

In The Matter Of:
FRANK H. BOWEN vs.
MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS

DEPOSITION of LEE ANDERSON
April 08, 2013

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STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
HEARINGS BUREAU

IN THE MATTER OF DEPARTMENT OF FISH, WILDLIFE AND PARKS
GRIEVANCE No. 2-2013

FRANK H. BOWEN,)	Case No. 760-2013
)	
Grievant,)	
)	
vs.)	
)	
MONTANA DEPARTMENT OF FISH,)	
WILDLIFE AND PARKS,)	
)	
Defendant.)	
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DEPOSITION OF
LEE ANDERSON

On April 8, 2013, beginning at 11:23 a.m., the deposition of LEE ANDERSON, appearing at the insistence of Grievant, was taken at Montana Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, Montana, pursuant to the Montana Rules of Civil Procedure, before Bambi A. Goodman, Registered Professional Reporter, Certified Realtime Reporter, Notary Public.

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A P P E A R A N C E S

Frank Bowen, Pro Se Litigant
P.O. Box 967
Marion, MT 59925-0967
406-250-2108
appeared on behalf of Grievant.

John F. Lynch, Esq.
MONTANA FISH, WILDLIFE AND PARKS
P.O. Box 200701
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appeared on behalf of Defendant.

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I N D E X

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WITNESS:

PAGE:

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LEE ANDERSON,

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Examination by Mr. Bowen

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EXHIBITS:

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None Marked

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* Denotes phonetic spelling

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1 LEE ANDERSON,
2 having been first duly sworn to testify to the truth, the
3 whole truth and nothing but the truth, testified upon his
4 oath as follows:

5 EXAMINATION

6 BY MR. BOWEN:

7 Q And I'm reading a few things again only because
8 the book tells me I have to. But we're doing the
9 deposition today before the court officer -- reporter
10 anyway, of Bambi Goodman out of Whitefish. And it is
11 about 11:20 on 8 April, 2013. And we are at the Fish,
12 Wildlife and Parks headquarters in Kalispell. And if you
13 could say your name and title there, please.

14 A Lee Anderson, Region One Warden Captain.

15 Q Outstanding. Also here is myself, Frank Bowen,
16 game warden, pro se litigant, hope I'm saying that right,
17 and FWP attorney Jack Lynch. And with that, I think
18 we'll get started.

19 If it gets to a point you want to take a break
20 or something, just say the word, because we have been
21 kind of driving on.

22 A Okay.

23 Q Lee, do you mind if I call you Lee?

24 A Go right ahead. Yes, that's fine.

25 Q How did you prepare for the deposition today?

1 A I reviewed the grievance document that you have
2 provided for the -- I believe for this process. I read
3 through that. I think I had some preparation for it in
4 compiling the information per the subpoena that I gave
5 Jack before I went on vacation; talked about it briefly
6 with Jack this morning. I talked briefly with Nathan, I
7 believe Jon, in the last -- well, today, maybe in the
8 last couple weeks, just in general, and talked with
9 Satterfield. We talked this morning about it. But yeah,
10 just a basic review of a few things.

11 Q Okay; good on you.

12 How long have you been a game warden?

13 A I've been with Fish, Wildlife and Parks for
14 sixteen years and approximately what, nine months? It's
15 seventeen years in June.

16 Q Amazing. How long have you been in Region One?

17 A Since 1999; July of 1999, I believe, or June of
18 '99, something like that.

19 Q When did you become captain?

20 A I was trying to figure this out the other day.

21 Q Roughly.

22 A I believe approximately seven years ago. It
23 was six or seven years ago, I believe.

24 Q Is that your management experience with Fish,
25 Wildlife and Parks?

1 A Yes.

2 MR. LYNCH: Ed Kelly's been gone that long?

3 THE WITNESS: Yes.

4 MR. LYNCH: Isn't that amazing?

5 THE WITNESS: Yeah. He was here it was
6 eighteen years. My mother-in-law just showed me the
7 newspaper clipping of when I got hired -- when I was in
8 Arizona she had it laying on the counter or
9 something -- as captain. That's what triggered that. I
10 want to say it was 2006, March of '06, something like
11 that.

12 Q (By Mr. Bowen) A lot of water.

13 What kind of POST certificates do you have?

14 A I have my basic, intermediate, advanced, and my
15 supervisory certificate, I believe.

16 Q What leadership training -- have you been sent
17 to, leadership management training at all?

18 A Yes. I went through first line supervisor
19 training. I went to the Fish, Wildlife and Parks
20 leadership training. I've taken -- I'd have to look
21 through my records. I've been to a few, you know,
22 day-long-type courses over the years. I know one was
23 taught by -- let me see -- Randy Means, I recall, in
24 Lewistown. That was a supervisory in law
25 enforcement-type training. And I'm slated to go to the

1 FBI command college training here in May.

2 Q You are?

3 A This spring, yeah.

4 Q Oh, wow.

5 A In West Yellowstone. It's not down in FLETC or
6 something like that. It's in Montana.

7 Q Good on you.

8 Using myself as an example, what is -- as Game
9 Warden Frank Bowen, what is my chain of command?

10 A It would go through Nathan Reiner. The
11 sergeant is the immediate supervisor, and then it goes to
12 me as the captain. And then from the captain, the
13 regional supervisor. And then the supervisor is I guess
14 the cog between Helena on that level --

15 Q Okay.

16 A -- from there.

17 Q I ask this because nobody else has known the
18 question yet. Am I accountable in the chain of command
19 to Jim Kropp that is head of enforcement? Is he in that
20 loop?

21 A My understanding of it is that, you know, you
22 work through -- that's the initial chain of command up
23 through there, Nathan, me, and then, like I say, it goes
24 to Satterfield. Kropp is on, I believe, that same type
25 of level. He oversees the entire division of

1 enforcement. I've always viewed it that we do have
2 accountability to Jim. I mean, as the chief of law
3 enforcement, you know, if he has something that he
4 dictates for us to do that we follow.

5 Q Does he sign your performance appraisals?

6 A No. Jim Satterfield does my performance
7 appraisals.

8 Q Who is the cosigner on that?

9 A I don't know.

10 Q Okay.

11 A I think Jim answers to Paul Sihler, who is
12 another -- I don't know what his title I guess is up in
13 Helena.

14 Q Okay. So as a captain, how many people do you
15 supervise?

16 A Twelve. Well, let me get the number right. I
17 can rattle them off. I've got --

18 Q Just a rough number.

19 A I think it's twelve, twelve or thirteen.

20 Q And you consider yourself a supervisor,
21 although they have a first-line supervisor is the
22 sergeant.

23 A Correct.

24 Q Do you consider yourself direct supervision
25 then?

1 A He's the actual direct supervisor is the
2 sergeant. But I still provide directives to the field
3 staff. I still can make that -- or do that.

4 Q We talked with the other guys about performance
5 appraisals.

6 A Uh-huh.

7 Q Now, as a point of clarification, for your
8 first, gosh, how many years, couple years, five years as
9 a captain, I was the sergeant and I reported directly to
10 you.

11 A Uh-huh.

12 Q As a sergeant, did you do my performance
13 appraisals?

14 A I believe so.

15 Q Okay. It wasn't a trick question, Lee.

16 A Yeah; sorry. I've done all the sergeants'
17 performance reviews.

18 Q Captain, with all due respect, please know I'm
19 not trying to set you up for anything here. But you
20 explain some of those deer-in-the-headlights looks I'm
21 getting. My mission here is get some things documented.
22 The last thing I want to do is beat somebody up.

23 In any event, I've got two copies of
24 performance appraisals. These are the old style. These
25 are the 2006 and 2007 performance appraisals.

1 A Okay.

2 Q Now, if you look on the date here, who does it
3 say it's the performance appraisal for?

4 A Frank Bowen.

5 Q And does it say a title?

6 A Region One Warden Sergeant, yep.

7 Q And what year is it?

8 A Two thousand six.

9 Q So that's a different form than we're using
10 now, is it not?

11 A Yes.

12 Q So as the sergeant, you would have been my
13 direct supervisor, and you would be the person writing my
14 performance appraisals.

15 A Yes.

16 Q I want to cut to the chase on most of this to
17 make it a little briefer for you. As Jack so delicately
18 points out, he's heard most of this before. Do I have
19 good performance appraisals, or do they document that I
20 am a screw-up?

21 A They've been good performance appraisals since
22 I've been supervising you.

23 Q I highlighted a thing there under the 2006
24 Ethics. What does it say?

25 A "Frank sets high standards for himself. He is

1 very knowledgeable of policy and avoids problems if
2 possible. He went the extra mile to provide me with a
3 personal disclosure document of work activities outside
4 of FWP to prevent any further ethical issues."

5 Q See if there was anything else, if I did that
6 right. Now, we talked about earlier how we -- on the
7 other performance appraisals, we had standards like
8 Outstanding, Meets Expectations, Needs Improvements.
9 These ones here had number values.

10 A Correct.

11 Q What was considered a standard number?

12 A Basically that scale you just gave basically
13 incorporated with the number scale. So if you had -- can
14 I see the --

15 Q Certainly.

16 A -- if I get the title right. But basically
17 your corresponding Outstanding would be a 4 versus
18 Proficiencies would be 3, if you needed some improvement
19 would be 2, and if you were Below Expectations, you'd get
20 a 1.

21 Q Okay. And well like in here, I'm seeing like
22 3.5. So you can split that from 3 to 4?

23 A Back then we did split those values. I think
24 that was one of the issues that resulted in them changing
25 to just a standard to get away from 3.2, 5, all that kind

1 of stuff.

2 Q Okay. So you feel that these performance
3 appraisals -- I think you already said it -- since the
4 time you've been my supervisor. Does that mean the
5 entire time you've been since captain? Is that what you
6 meant? Or are you talking about just these two?

7 A Well, for these right here, as your direct
8 supervisor, yes, I did these. These performance
9 appraisals were good. I think during the time frame that
10 I was the captain with the sergeants doing them, I would
11 do those with them. And I would say the overall
12 performance was good.

13 Q Did you ever see where there was a notation of
14 Needing Improvement on any of my stuff?

15 A No.

16 Q So overall, I've got good performance
17 appraisals?

18 A You have.

19 Q Do you keep any -- please don't to take offense
20 to this word, but it's the word I looked up in the --

21 A Policy manual.

22 Q Yes, exactly. Do you keep any secret or
23 personal files?

24 A Not secret files, no. I used to keep a file
25 that I would just throw stuff in. I had, for example,

1 that -- your disclosure. I kept a copy of that. I had
2 thrown that in a file.

3 Q What do you mean by "disclosure"?

4 A Of your activities.

5 Q Okay; showing that I --

6 A That you do these other activities. When I was
7 doing the deposition -- or not the deposition, but the
8 subpoenaed information, I went back and I saw that. It
9 had that. It also had a letter in there, a thank you
10 from Region Five, Herald Guzey, he's the captain, and
11 that was there. Aside from that, that's the only file I
12 had. And it was one of those things I did initially.
13 And I tried to religiously put stuff in there. And I'd
14 take it from there and put it in the personnel file, the
15 kudos-type stuff, and that's it.

16 Q If there were performance-related issues, i.e.,
17 something saying This guy is not up to par, for whatever
18 reason, would that be reflected here, or would you have
19 them hidden somewhere else?

20 A I would have it documented there, either
21 documented in --

22 Q By "there" you mean the performance appraisal?

23 A In the performance appraisal. I have -- if I
24 have memos or that type of information saved on my
25 computer, I may make a note in my planner, if I've talked

1 to somebody about something. But those would be the
2 places that they would be.

3 Q Okay. So if a guy wanted to verify somebody's
4 performance as an employee, what they would look at would
5 be the performance appraisals.

6 A At the end of the year, they would have the
7 annual performance appraisal, and it would document or
8 describe basically the guy's performance for the year,
9 yeah.

10 Q As sergeant, you wrote my performance
11 appraisals.

12 A Yes.

13 Q Who else signed them besides you?

14 A I believe Jim Satterfield reviewed them after I
15 was done, when he was the -- yeah. Because he would have
16 been the regional supervisor then. Because I sign them,
17 get them complete, and we hand them off to him. And then
18 he would sign them. And if he had any questions, I guess
19 he would --

20 Q What about a field warden? I happen to know,
21 because I've been looking at them. But Satterfield
22 doesn't sign them. Does he review them?

23 A My understanding is he reviews every single
24 performance review in the region.

25 Q In the region; okay. Now, if you had an

1 employee who was an outstanding employee but his
2 appraisal said that he was a dirt bag, would you sign
3 that? This is a hypothetical question.

4 A No, I don't think I would.

5 Q Conversely, if you had a guy that was a dirt
6 bag and his performance appraisal said he walked on
7 water, would you sign that?

8 A No.

9 Q So you, as the captain, saw my -- were either
10 the person who wrote my performance appraisals or you
11 were the person who reviewed them when the sergeant did.

12 A Uh-huh.

13 Q So you're aware of my performance then.

14 A Yes.

15 Q Okay.

16 As you know, I'm doing a grievance with the
17 department. And the Cliff Note version is that there's
18 several different steps. Each step there is a response
19 written either by the regional supervisor, the Fish,
20 Wildlife and Parks director, or the third step by the
21 legal department put together a rebuttal to what I was
22 upset about. And this is the step three. I'm calling it
23 step three. I may be incorrect, but this is what Fish,
24 Wildlife and Parks offered to the Board of Personnel
25 Appeals investigator if you will. He did a preliminary

1 investigation. And it goes on, it says stuff; okay? I
2 got a problem with the last paragraph in here. And this
3 last paragraph is Fish, Wildlife and Parks speaking to my
4 performance as a game warden. If you could just read
5 that to yourself, please.

6 A Uh-huh.

7 Q What does the highlighted part say?

8 A "Representative of his tendency to reach
9 conclusions without first uncovering evidence of
10 wrongdoing."

11 Q Is there anything in my performance appraisals
12 that backs up that statement?

13 A I don't believe so. I'd have to -- do you have
14 this year's performance appraisal?

15 Q I do. Did you give input to that?

16 A I talked briefly with Satterfield about this,
17 about the response. And aside from that, I don't think I
18 was consulted to write it.

19 Q Did you give input to the step one or two
20 responses, considering this is step three?

21 A Which one's step one?

22 Q The step one would have been the letter written
23 by Regional Supervisor James Satterfield.

24 A Uh-huh.

25 Q And then step two was written by the Director

1 Maurier at the time.

2 A I believe I had, yeah.

3 Q What was that input; do you remember?

4 A I'd have to look at specifically what we had.
5 Because like I say, thee things all kind of lump
6 together. If I looked at what the first step was, I
7 could give you better direction there. I know we talked
8 about the grievance initially and discussed it, I guess
9 discussed the generalities of it and what was going on
10 and provided them I guess my basic comments on it. I
11 don't remember exactly what it would be.

12 Q If you don't remember, you don't remember; no
13 big deal.

14 A I know I talked about them with him. I don't
15 remember exactly everything that we talked about.

16 Q Okay. As a supervisor, you're expected to know
17 the discipline process, progressive disciplinary process.

18 A Uh-huh.

19 Q Do you feel that you do?

20 A I've got a better understanding of it now. And
21 having not dealt with it, I didn't know a lot about it.
22 So I worked through the manual that we had and consulted
23 quite a bit with Satterfield as well as personnel so we
24 could get through that.

25 Q Why do you have a better understanding of it

1 now?

2 A Having actually gone through -- going through
3 the process, the parts. I've never been involved in a
4 grievance before and had to go through those steps.

5 Q I'm sorry; I was talking about the progressive
6 disciplinary process.

7 A Oh, okay. I thought you meant the
8 entire -- this entire grievance process. Yeah, I know
9 what's in the manual, what I've been trained in those.
10 And it's a progressive disciplinary process. I haven't
11 had a lot of problems with it or a lot of instances where
12 I've had to go through various steps. I've had a few, so
13 I consulted with other captains. I've consulted with
14 personnel about how you do that process.

15 Q Is it fair to say that by progressive
16 disciplinary process, they're saying that you can go
17 anywhere from like a verbal warning all the way up to
18 steps to firing somebody?

19 A Yes.

20 Q Is it fair to say that progressive means that,
21 for some violations, you might -- too many accidents with
22 your truck, hitting too many deer or something like that,
23 you might start out with a verbal and progressively move
24 up to something else? Is that a fair --

25 A That's how I would understand it.

1 Q So for some violations, if you will, say
2 driving drunk in your State truck, a person might start
3 out at a whole lot higher level than a verbal warning.
4 Is that correct?

5 A Potentially, that's my understanding.

6 Q Potentially. So a guy could go up there. So
7 is it fair to say that basically through the process, the
8 punishment is supposed to fit the crime, if you will?

9 A I guess that's one way you could phrase it.
10 Generally speaking, you're going to start out the lowest
11 level possible and work your way up as things escalate or
12 as the problem escalates, depending on what it is. If it
13 is something egregious enough or bad enough, you might
14 skip the first steps of it and go right to termination.

15 Q Okay. So through your understanding of the
16 policy, in your opinion, would it be appropriate for you,
17 for a supervisor -- and we hung up on this earlier with
18 Jon. He's thinking that Well, sometimes there's just us
19 guys out in the field and we're doing training or
20 whatever and you might stay stuff jokingly. I'm not
21 talking jokingly. I'm talking as a supervisor, you're
22 talking with one of your employees. In your opinion,
23 does your policy authorize you to say things like If you
24 piss me off, I'll kick your butt. I mean a threat of
25 physical violence.

1 A That wouldn't be appropriate.

2 Q How about If you piss me off, I'll reassign you
3 to Ekalaka.

4 A I wouldn't find that to be appropriate.

5 Q And again, we're talking about being
6 progressive. A guy might end up getting sent all the way
7 to Ekalaka, if he's a chronic screw-up. How about this
8 one here I particularly like. Spoken to the warden,
9 basically, who wanted union representative. Claims he
10 was told, quote unquote, "Don't let the union get you
11 fired." Would you think a comment like that would be
12 appropriate to an employee?

13 A I wouldn't say that.

14 Q How about If you piss me off, FWP will find
15 a way to fire you." Would you think something like that
16 would be appropriate?

17 A I wouldn't say that. Yeah, I don't think
18 that's something somebody should say.

19 Q As a supervisor.

20 A Yeah.

21 Q Okay. Do you have --

22 A I mean, you know, I guess it kind of depends on
23 the circumstances of it a little bit. It's all the
24 context of it. I mean, that in and of itself, yeah.

25 Q So the context being like Jon said, you're out

1 in the field on a training day versus being called into
2 someone's office for a meeting? Would that be a
3 different context?

4 A I don't know. I don't know how to explain it.
5 But -- yeah, I don't know how to explain it. I can't
6 really explain it.

7 Q Understood. I don't want to go into
8 definitions that bogged down last time. Would you say
9 that in your own mind you would have a definition of what
10 "harassment," "retaliation" and "intimidation" would be?

11 A Got a general idea, I guess.

12 Q And this isn't a test here. I didn't want it
13 to come out that way. So could -- I'm asking for your
14 opinion. Could threats of possible termination, being
15 fired, be considered intimidating in your mind?

16 A It could be.

17 Q Could threats -- or could repeated threats of
18 possible termination be considered harassment in your
19 mind?

20 A Possibly, yep.

21 Q Could disciplinary action after threats of
22 termination be considered retaliation?

23 A Could be.

24 Q Okay. If someone threatened to get you canned,
25 that if you were hit with that statement, If you do this

1 you could be fired or You will be fired or It's possible
2 you could get fired, at whatever level you'd be looking
3 for a new job, would you find that phrase somewhat
4 intimidating?

5 A Depending on the circumstances of it. If
6 someone explained to me the consequences of my actions
7 and those are possibilities of the actions, then I would
8 know this is what I can or can't be doing. Does that --

9 Q Yeah, it's not -- I'm leaving you too much
10 wiggle room is what I'm getting at. But I don't want to
11 put you in a box either. Let's say in your mind you've
12 done nothing and you're told that you could be
13 terminated, is the concept of being fired a frightening
14 or intimidating thought to you?

15 A Could be.

16 Q Could be, yeah. And there is a whole lot of
17 context difference, isn't there? We could make it under
18 a whole lot of different context?

19 A Right, right.

20 Q So I understand your point.

21 Jesse Jacobs investigation, you were involved
22 in that?

23 A Yes.

24 Q Pretty high level?

25 A Yeah.

1 Q Probably more so than most investigations,
2 wouldn't you say?

3 A Yeah.

4 Q Yeah. I'm using that as my experience as to
5 what we've done, seemed like.

6 A Yeah.

7 Q That investigation, through one way or another,
8 turned into the Lake County investigation if you will.
9 And actually there was the POST allegations that probably
10 started it. Does that sound right?

11 A Yeah. I sometimes get that sequence a little
12 mixed up. But those are all things that were roughly
13 right at the beginning of it.

14 Q Okay. And you were pretty involved in that
15 Lake County investigation, were you not?

16 A Yep.

17 Q Normally I would have answered directly to a
18 sergeant.

19 A Yes.

20 Q But in this case, Sergeant Obst was pretty much
21 taken out of the loop; is that correct?

22 A Yeah. He was involved at some level. But
23 given it was dealing with other law enforcement officers,
24 et cetera and the sensitivity to that, I thought that it
25 would probably be better off if I was the one working

1 directly with you on that.

2 Q So you made the direction to him -- and I'm
3 using his words I think -- to keep him out of the loop.

4 A I don't remember if I gave him a specific order
5 or just told him that I'd take care of it or how we did
6 it. But my intentions were that I would be the one
7 working with you on it and not have him doing it.

8 Q Okay.

9 A It wasn't to keep him out of the loop.

10 Q The decision-making process maybe?

11 A Yeah, it was me, you bet. That makes more
12 sense.

13 Q And I don't even know if it means anything
14 other than I was trying to get Jon off the hook. During
15 that whole Lake County investigation, you feel that I
16 kept you fairly well advised of what was going on?

17 A Pretty well.

18 Q In fact, all of the case reports finally ended
19 up going on, you reviewed each one of those, did you not?

20 A I believe I -- I know I looked at a lot of
21 them. I looked at a lot of case reports. I know when we
22 were putting the final ones together, I worked directly
23 with you on, you know, condensing -- or focusing or
24 whatever you want to call it, editing, mistakes whatever
25 to get those out to the counties that needed them, yeah.

1 And you sent me a lot of messages and lots of reports.

2 Q Did you think this whole Lake County thing was
3 going to be a major investigation, when we got into it?

4 A I thought it would be a pretty significant one.

5 Q If nothing else, it was pretty touchy with the
6 cops, wasn't it?

7 A Yeah.

8 Q More so than --

9 A I think any time you're dealing with another
10 law enforcement agency, it seems to be that way.

11 Q I'm going back on a very old conversation
12 probably now three years ago, you told me, as I recall at
13 one time, that Chief Kropp told you that the regional
14 investigator should do this -- that investigation
15 instead?

16 A Yes.

17 Q But you made the decision that I would do it?

18 A Yes.

19 Q Why'd you make that decision?

20 A I felt that given the nature of working on the
21 reservation, you worked down there for a number of years
22 in that district, and I felt that you had a lot of ties,
23 a lot of good working relationships with officers, with
24 the tribe itself, knew a lot of people, you had the
25 corrections you had, you had the network and the

1 information that it would take to make that case. If we
2 were going to make a case on it, I felt that you would be
3 the guy that could do it. And inserting somebody else in
4 there, not that Brian doesn't have a good skill set, I
5 just felt in that situation it was a little bit different
6 and that you would need these extra things that you had
7 through working with these other folks down there and the
8 connections that you had, that we would actually make the
9 case.

10 I also felt, though, that if I had somebody
11 else look into it and they didn't produce something, that
12 you wouldn't have felt that they had done a good enough
13 job to get it done either. But -- so I all that stuff
14 said, I felt that this is the right way to go and this is
15 why I'm going to do it.

16 Q At one point in time I was sending information
17 to you, and you told me you were no longer in charge,
18 that all the decisions were being made above you. Do you
19 recall that?

20 A In general, yeah, saying something to that
21 effect, yeah.

22 Q Do you know about when in this whole thing did
23 that occur?

24 A You know, I think -- I was trying to think back
25 to that. I think that was one of the questions in the

1 interrogatories. And I don't remember a specific, you
2 know, like a date or I got some memo that said, you know,
3 these guys are no longer in charge or whatever. But I
4 think it was around -- I want to say it was sometime
5 around the point when we -- after we'd met in Seeley and
6 we'd gotten stuff together. That's kind of when I -- I
7 think it was roughly in that time frame. And I can't
8 remember a specific conversation directly with Kropp or
9 with Jim Satterfield saying, you know, that you're not
10 doing anything on this. But I know as things were
11 getting elevated to the level of the director's office
12 with the senate hearing, when that stuff was going down,
13 you know, I know then that they were involved -- Jack was
14 involved and everybody was involved. And I can't
15 remember if I got a specific directive, but I definitely
16 felt that they wanted to be in the loop and they were the
17 ones that were making a lot of these decisions on where
18 we were going and what we were going to do.

19 Q Okay.

20 A It's been quite a while ago, so I just
21 can't -- I can't remember exactly.

22 Q I wasn't looking for a date. Basically it
23 happened and you -- okay; you got more or less the same
24 impression that I did.

25 Remember once you telling me that I was lucky I

1 only had four years away from retirement?

2 A (Nods head.)

3 Q Figuring that I was close. Why'd you say that?

4 A Well, if I remember right, we were -- I think
5 that was around the time of the senate hearing.

6 Q It was.

7 A And I guess the way I looked at it then and,
8 you know, was any time you're going up in front of a
9 senate, you know, committee -- or not any time you're
10 doing that, but any time anything that has a political
11 end of it like that where you've got, you know, a
12 senator, obviously Senator Shockley was the head of that,
13 he's running charge on that, things have a possibility of
14 being political. And I've always worried that if I get
15 up in front of somewhere and I say something that I'm not
16 supposed to say, you know, I felt that I'd be really
17 nervous about it and more worried about it if I had some
18 longevity or if I had a longer time left to go and that
19 I -- maybe I'd say something that I'm not supposed to and
20 maybe I'd do something wrong and I'd get in trouble for
21 it. And I guess the way I looked at it there was yeah,
22 maybe I wouldn't worry about it or stress about this
23 stuff as much as I would if I had a long ways to go. And
24 it's just general. I think that was the generalities of
25 it. That's the main reason why.

1 Q From the guy hearing it, I took the impression
2 to mean that if you're going to get fired over this, at
3 least I only had four years to go rather than ten, like
4 you. Am I even in the ballpark?

5 A No, it's -- I guess -- let me find a better
6 way, maybe, of explaining it. I mean, you could look at
7 it that way.

8 Q Was that a way you meant it?

9 A I just meant it from the standpoint that yeah,
10 if something does go wrong, you know, and something -- I
11 don't know, a guy does something he's not supposed to do
12 and loses his job, I guess you've got a lot more time on
13 and you're more financially secure than you would be a
14 guy who's only got five years on and he's got to go do
15 something else.

16 Q Understood. You brought it up, and it's later
17 in here but I want to follow through on that. That
18 hearing, I believe it was April whatever it was, early
19 April I think.

20 A That sounds right. There were several of them,
21 and a lot of this, like all this stuff, there's several
22 things so they all kind of --

23 Q Blend together.

24 A -- get a little blurry.

25 Q On that first hearing that you and I went to

1 Helena for, the senate hearing --

2 A Yes.

3 Q -- we went there thinking we were both going to
4 testify along with Chief Kropp. It turns out that the
5 chief and I did not testify. You were the only one that
6 testified. Who made that decision?

7 A I believe that was Art Noonan made that
8 decision or the director's office made that decision.

9 Q Art's the guy that told us.

10 A He's the deputy director, so I don't know if,
11 you know, who told him. But Art was the one that told us
12 when we were at that meeting.

13 Q After the meeting you mentioned, and you hit on
14 it here, that you were pretty nervous about the whole
15 thing. That you were pretty glad that they didn't ask
16 you any questions. You read the letter and they didn't
17 ask anything. And you were pretty happy about that. Had
18 they asked you questions, would you have answered
19 honestly?

20 A Yes.

21 Q And that could be what got you in trouble, I'm
22 guessing, is what you were getting at with saying the
23 wrong thing?

24 A Hard to say. Maybe they wouldn't have liked
25 what I had to say or I don't know.

1 Q If you told the truth, why would it matter if
2 they liked what you said?

3 A I don't know if that would be the reason that
4 they would have problems, but they may not agree with the
5 opinions, you know, that I might have.

6 Q Cool.

7 The complaint filed by Mitch Young.

8 A Yes.

9 Q I know you're aware of that one. We got a lot
10 of complaints during the course of this investigation,
11 didn't we?

12 A We got a few.

13 Q And at some level we pretty much -- I mean, you
14 answered them all or they were answered. And they were
15 all found to be unfounded; is that correct?

16 A If I recall, yeah.

17 Q And at least some of them were determined by
18 the investigators to have been attempts to stop or slow
19 the investigation. Would you agree with that?

20 A That might have played in there.

21 Given -- yeah, I think that's fair.

22 Q I went on to that --

23 A I'm speculating that, but that's possible.

24 Q What I've got here is the e-mail from County
25 Attorney Mitch Young to FWP Chief Jim Kropp. It's copied

1 to several other individuals including yourself, the
2 county attorneys in four different counties that we had
3 case reports, dated March 1st, 2012. That's the
4 complaint, is it not?

5 A I believe that's the -- yeah, this is the one
6 that started the -- yeah, from Mitch.

7 Q Could I have it back, please?

8 A Was there other ones before that that Mitch
9 had? I know I responded to one to him. I don't think
10 that was the complaint necessarily. That one -- that
11 might have been just about the case; I can't remember.
12 But this is what started the investigation from Jeff.

13 Q I highlighted some stuff to try to make it
14 quick. I know the letter you're talking about, and that
15 was -- and I hope to talk about that later too. It was a
16 very courageous response from you, I might add. But
17 basically, he refused to meet with us to discuss charges
18 against a couple of officers that were close to statute
19 of limitations. And that, too, was sent to several
20 people.

21 A That's true.

22 Q And I do have a copy of that here. So this is
23 the letter from Jim Kropp -- excuse me -- from Lake
24 County Attorney Mitch Young to Jim Kropp. And it makes
25 these accusations for starters. "The files were poorly

1 organized, relied most exclusively on rumors and hearsay,
2 contained hereof in information and included accusations
3 that Bowen knew were not true." So he's saying that I
4 put in the case report accusations that were not true.
5 Is that a fairly serious charge?

6 A To --

7 Q Let me rephrase that. Someone else had a
8 problem with that. Assuming that was true, if an officer
9 put information in a case report that he knew was not
10 true --

11 A Oh, yes.

12 Q -- would that be serious?

13 A Uh-huh.

14 Q Okay. It goes on to say that "Bowen threatened
15 a witness in order to compel her testimony." If true,
16 would that be a serious accusation?

17 A Yes.

18 Q He also says "While I previously had concerns
19 about Bowen's competence as an investigator, the most
20 recent files raise more serious issues. Bowen's
21 deliberate suppression of exculpatory evidence clearly
22 violates the civil rights of officers." If as an officer
23 you violated somebody's civil rights, would that be a
24 serious thing?

25 A Yes.

1 Q "Finally, it is arguably a criminal violation."
2 I guess we know criminal violation is --

3 A Serious.

4 Q Yeah, it would be serious. So we agree these
5 are serious accusations. That's probably why we did a
6 fairly in-depth investigation.

7 A (Nods head.)

8 Q The best I can determine, it took Jim -- or
9 Jeff Darrah over a month to do this. At least it was
10 over a month before I got any copy of it.

11 A Uh-huh.

12 Q Did you see the investigative report of Captain
13 Jeff Darrah?

14 A Yes.

15 Q Now, I'm going to say this for clarification
16 just -- we've already said it. But due to the complaint
17 by the County Attorney Mitch Young, senior captain of
18 Fish, Wildlife and Parks would have been Captain Jeff
19 Darrah in Missoula. He was directed to perform an
20 investigation into those allegations; is that correct?

21 A Yes.

22 Q And what I have here is a copy of his findings.
23 Does that look familiar?

24 A Yep.

25 Q And the date on that just says March 2012. It

1 doesn't put an exact date. The e-mails I got, stuff I
2 received, I received them on April 6, I believe it was.

3 A Uh-huh. I see here on 3/5 is when he was
4 contacted by Chief Kropp regarding investigation
5 involving Frank Bowen.

6 Q Okay; and that's what it's titled, is it not?

7 A Personnel Investigation of Warden Frank Bowen,
8 yeah.

9 Q May I see that again, please. So that is the
10 one. And again, it was a fairly in-depth investigation,
11 12 pages, eight attachments -- or exhibits I believe is
12 what he called them, including some tapes. In his
13 investigation into the complaints made by County Attorney
14 Mitch Young, he found those allegations to be unfounded;
15 is that correct?

16 A Yes.

17 Q He also made some allegations of his own
18 against Lake County Attorney Mitch Young, did he not?

19 A Yes.

20 Q These are some of the things I just highlighted
21 in here. And again, I'm looking for whether you consider
22 these to be serious offenses or whether they would be
23 detrimental to me. He says that they have potentially
24 detrimental effects on Warden Frank Bowen, these
25 allegations. He goes on to say "The County Attorney

1 Mitch Young is trying to discredit Warden Frank Bowen in
2 every way."

3 A Yes.

4 Q To actually discredit an officer.

5 A Yes.

6 Q He goes on to say, and this is again Darrah's
7 allegations, "I would suggest that County Attorney Mitch
8 Young tampered with a witness in an existing Ravalli
9 County case by trying to get her to change her
10 statement." Would that be a serious allegation?

11 A Yes.

12 Q Witness tampering, I would think so. And he
13 goes on to say "There's other very vague statements, but
14 they are also very damaging to Frank." He also mentions
15 in here that through his investigation, he believes that
16 the County Attorney shared case report information with
17 the suspects in this case, he's using names Nash and
18 Cottle. And you're aware of that allegation.

19 A Yes.

20 Q And is that serious --

21 A Yes.

22 Q -- to share. And he goes on to say that "I
23 feel the County Attorney Mitch Young is trying to kill
24 Frank Bowen's credibility and thus have this case and
25 many others would with it go away." And then he also

1 ends up by saying the person the case was about should be
2 charged with the violations that were brought. And I
3 don't think that's going to happen, in my opinion. With
4 this investigation, I was put on like a suspension of
5 sorts; is that correct?

6 A Well, we asked you to go on -- take comp time
7 off.

8 Q Whose idea was that?

9 A I don't remember if it was your idea, my idea.
10 I know at one point you had requested to be put on leave.

11 Q Yeah.

12 A I don't remember if it was you, me or
13 Satterfield. I know I did request you to take comp time
14 off during that time frame.

15 Q Yeah. Actually, it was mine. And I sent you
16 an e-mail saying that Look, we're investigating officers
17 and they never do anything about it. Why don't we show
18 the way it should be done. I should be suspended.

19 A Yeah, I remember that.

20 Q And it's in your file called Let's Create a
21 Policy. The only thing was I felt sorry for somebody
22 without four years of retirement that they might not have
23 a comp time to pull that off. It was a good move. It
24 was a good move.

25 Since that suspension or comp time, whatever

1 you want to call it, I have not been involved in this
2 investigation, have I?

3 A I don't believe you -- you haven't directly
4 investigated anything.

5 Q In fact, I was told not to, was I not?

6 A Yeah.

7 Q And I requested to have that prohibition lifted
8 because I had several other things come on up, and that
9 was denied, was it not?

10 A Yeah. I don't remember the specifics of it,
11 but I know you weren't doing any more and I wasn't going
12 to have you do any more on it.

13 Q So it was your decision.

14 A I don't know if anybody else had any
15 involvement in that, but I know I made that decision. I
16 don't know if there was more other people advising me to
17 do that; I don't recall. But I know that I made that
18 decision.

19 Q But we agree that this kind of went away or on
20 hold, however you want to look at it. Ever since this
21 complaint, Frank Bowen has not been involved in the Lake
22 County investigation.

23 A I don't know if that was the exact time frame
24 when it started.

25 Q Okay; not a problem. I've got the e-mails in

1 line that will demonstrate that. I was just trying
2 to -- but like you saw, it's been three years since we
3 started this. It's pretty easy to get a little foggy.

4 A It's been three years?

5 Q March 2010 is when it started. I've been doing
6 good so far. I just can't sit that long.

7 Ma'am, it's not going to offend you if I stand
8 up?

9 THE COURT REPORTER: No.

10 Q (By Mr. Bowen) Do you believe that Jeff
11 Darrah's investigation was a fair investigation into the
12 allegations against me?

13 A I think it was fair, complete.

14 Q Was anyone else asked to do an investigation
15 into that? Let me rephrase this. Did I send a letter to
16 POST asking them to investigate that as well?

17 A I don't remember if it went to POST or it went
18 to me. I know there was a request that went to POST, and
19 I can't remember if it was one that was forwarded on from
20 me or you sent it direct. I think you sent one directly
21 to them.

22 Q And you were copied is what it was.

23 A Okay; I remember that.

24 Q And they chose not to; correct?

25 A I believe so. They didn't -- I don't know of

1 them doing one.

2 Q I've tried to release the allegations that
3 Captain Darrah made. You're aware of that, the
4 allegations that Captain Darrah made against --

5 A What do you mean, "release"?

6 Q I tried to get -- turn them over to authorities
7 to have those allegations investigated.

8 A Oh, yeah.

9 Q You're aware of that.

10 A Yes.

11 Q What did you tell me when I tried to do that?

12 A I don't remember what I told you, specifically.

13 Q Was the answer yes or no?

14 A I believe it was no.

15 Q Okay.

16 A I know I was going to look into if we could do
17 that and have those looked into. And I believe I was
18 told that we wouldn't, if I remember right.

19 Q After the investigation and I was cleared of
20 any wrongdoing by Jeff Darrah, Chief Kropp wrote a letter
21 to County Attorney Mitch Young telling him We've looked
22 into the charges, and we find them to be unfounded,
23 whatever it might be. Fair assumption?

24 A I remember he wrote a letter --

25 Q I've got a copy.

1 A -- to that effect.

2 Q I'm just trying to keep from getting too drug
3 out here. That letter from our chief that cleared me
4 from doing anything wrong, I asked you if I could release
5 that letter and you told me no.

6 A Uh-huh.

7 Q Do you remember why?

8 A I believe Jim Kropp said not to.

9 Q Okay. In one of those e-mails back and forth
10 where I asked you about it, you said, quote unquote,
11 "That Kropp would not let me release it until after the
12 senate hearing."

13 A Uh-huh.

14 Q Do you remember that?

15 A Yeah, I remember something to that effect.

16 Q Why?

17 A Sounds right.

18 Q Do you know why?

19 A I don't remember if he said anything specific.
20 And that sounds familiar what you said there about the
21 senate hearing.

22 Q Did you protest that decision at all?

23 A I don't believe so.

24 Q Hypothetically, here you've been accused of
25 doing some fairly serious stuff, you've got a letter that

1 clears you of it, and you're told you can't share it with
2 anybody. Would that make you a little unhappy?

3 A Could.

4 When you say "protest it," can you go back to
5 that? How -- what do you mean by that now?

6 Q About me protesting it?

7 A Right. Because I know -- I guess what I'm
8 getting at with that is -- I don't know if this would be
9 a protest or not -- I know when you asked it when I moved
10 it forward that I felt that it would be reasonable for,
11 you know, some of this information to be given out.

12 Q That's what I meant by protest.

13 A I know I said that to them.

14 Q So you did argue that Hey, this should be
15 released.

16 A I did -- I said -- you know, I said -- I don't
17 remember if I said We have to release it, You guys have
18 got to release it. I just remember thinking or saying or
19 whatever it was that this is reasonable -- a reasonable
20 request, something to that effect. I can't remember the
21 specifics of it.

22 Q And if memory serves, you did. You did say Hey
23 this isn't right. And in fact, what ended up happening
24 is that still we did not release Chief Kropp's letter,
25 instead we asked Regional Supervisor Satterfield to write

1 a letter saying that I was -- a letter from Satterfield
2 to myself saying that I was cleared. Does that sound
3 familiar?

4 A Yes. I know he did that.

5 Q Eventually we did release those two letters,
6 though, did we not?

7 A We released Satterfield's letter. And Kropp's
8 letter I believe was released, yeah.

9 Q Eventually.

10 A I don't remember who all to, but they were
11 released.

12 Q You gave me permission to release them is what
13 it boiled down to.

14 A Okay.

15 Q Was making the claim these were my personal
16 property. You told me I didn't do anything wrong, but
17 you won't let me release them. It took quite some time
18 to make that happen.

19 A It took a while.

20 Q In fact, you released both of those letters
21 to -- at least you signed the letter, to Senator --

22 A Shockley?

23 Q -- Shockley when he requested information; is
24 that true?

25 A I remember that, yes.

1 Q He also wanted the Jeff Darrah report. Did you
2 release that?

3 A No.

4 Q Who made that decision?

5 A Jim told me -- I don't remember if he told me
6 at that time or if he made that decision at that time,
7 but I know he didn't want that report released.

8 Q Who's Jim?

9 A Kropp.

10 Q One of the contentions I had that legal counsel
11 Becky Jakes Dockter -- she's a legal counsel for Fish,
12 Wildlife and Parks, she spoke at the same hearing I did.
13 And at that hearing she said that Bowen knows exactly
14 what he can release and he's left alone to release
15 anything. And with that I tried to release some stuff
16 again. Do you recall that?

17 A I recall that. And I had some confusion in
18 there too. Because I know what you have said is that he
19 wanted some information and we weren't providing him with
20 the information, yet, I remember what legal was saying to
21 release. So I was confused on what exactly he wanted.
22 And what I kind of remember is I didn't think it was as
23 clear as your recollection of it that he wanted Jeff
24 Darrah's reports or some of those other reports. Some of
25 the reports it wasn't as clear to me what he wanted and

1 what he didn't want. But I do know that -- involving
2 that, I talked with Becky. And I can't remember
3 if -- who else was involved, if -- I don't know if Jack
4 was in there or Kropp or anybody else. But I know that
5 that's what they said could be released is this
6 information. And so that's the information that we put
7 together. And I did draft that response letter to
8 Jim -- or not Jim -- but to Senator Shockley, you know,
9 with directives from I know at least from Becky on what
10 it should basically entail and then ran that by her, gave
11 it to her, she authorized it, and then it was sent on.

12 Q During the course of the -- that investigation,
13 there were -- I'm going to use the word threats, several
14 threats. I don't know if that's fair. Some of them were
15 threats against my financial security. But there were
16 several threats, some against my life and stuff. Do you
17 recall that?

18 A Yes.

19 Q Did you deal with any of those?

20 A Well, we had -- I know when we got them and
21 you'd point them out to me. I know I asked you about
22 several of them. I can't remember if it was all of them.
23 But -- you know, if you were -- you felt threatened by
24 them or what have you. I know on a few of them, you
25 know, you weren't too worried about them. You know, they

1 were second-hand, third-hand threats from people. And I
2 knew that POST had them. If I remember right, they were
3 also made aware of some of those, I think, just through
4 the exchange of information that we were giving them.
5 And -- but we didn't do a formal investigation into them.

6 Q But you were made aware of them.

7 A Yeah.

8 Q Okay. You brought them up in that reassignment
9 letter.

10 A Yeah.

11 Q The --

12 A Not that one.

13 Q We're up to January 26, 2012. We had that
14 meeting in the Swan.

15 A Yes.

16 Q So you know what I'm talking about in Seeley.
17 That was the meeting where there was myself, Sergeant
18 Obst, yourself as Captain, Regional Supervisor
19 Satterfield, and then I believe both Jim Kropp and
20 Assistant Chief Mike Corn were there.

21 A Yes.

22 Q Tell me about that meeting. What was that
23 about?

24 A It was to discuss the Lake County investigation
25 and where it was going and what we were planning on

1 doing.

2 Q Do you remember any of the comments that were
3 made there about what the issues were?

4 A Well, we had -- they wanted to get the case
5 wrapped up as quick as possible. So we agreed to
6 do -- get the case reports by whatever the date was,
7 February something or other. For whatever reason I don't
8 remember that number. And that they were -- there was a
9 lot of press, a lot of publicity, I think, stuff like
10 that that was going on, and so they wanted to see us wrap
11 this thing up as quick as we can to get it done.

12 Q Did they say why we need to -- what was wrong
13 with the press?

14 A You know, there was -- Jim had said something
15 about -- I don't remember the exact verbiage on it, but,
16 you know, there was political stuff. I don't remember
17 the exact verbiage tied to the press, but I know -- I
18 think it was something with the investigation being
19 closed or not closed or something to that effect.

20 Q Just read that to yourself, please. Those are
21 the notes that I made from your call to me telling me we
22 needed to attend the meeting. And I asked you what the
23 meeting's for, and these are the notes I took from
24 what -- these are things you told me. They were all
25 brought up at the meeting, in my opinion. I just wanted

1 you to take a quick look at that.

2 A This was from us -- from me to you before we
3 had the meeting?

4 Q Yeah, things why we were having the meeting.
5 And I did not memorialize the meeting because it was
6 exactly what you said it would be. So I just wrote that
7 down as the Swan meeting.

8 A Uh-huh.

9 Q Am I even close to your recollection?

10 A Well, I remember being unhappy about the
11 publicity. And I know they wanted us to have a Lake
12 County investigation. And it was an issue because, you
13 know, we always had stated in there that it wasn't closed
14 because it wasn't close yet.

15 Q And they wanted it --

16 A They wanted to see that it was finished. They
17 wanted to get this thing closed, be done, do your job,
18 get done with it and move on to the next issue.

19 Q They wanted the next news -- media release to
20 say it was in the County Attorney's, not that it was an
21 ongoing investigation. Does that sound about right?

22 A Something like that. And I can't remember if
23 that was at that meeting or in that conversation, but
24 something to that effect, yes.

25 Q Did they also mention there were some political

1 undertones to the whole thing?

2 A Yes. And I don't remember the -- like this
3 chain here, I don't remember the specifics of that going
4 down from --

5 Q You just remember it as political undertones.

6 A I just remember there was political stuff.

7 Q That's why you're a captain and I'm just a
8 sergeant. Okay; I think that is good enough. I just
9 wanted to let you know that's one of the things that is
10 in this stuff that we're releasing here of yours.

11 Let's move on to the disciplinary hearing,
12 okay, that apparently we both learned a lot about the
13 process, how that's supposed to be done here.

14 A Which -- what do you mean.

15 Q I'm talking about I got a verbal warning.

16 A Oh, the disciplinary meeting we had where you
17 got the oral warning.

18 Q Yes. What was the oral warning for?

19 A Basically, it was for following directives and
20 communication, if I remember right. I'd have to look
21 specifically at the paperwork on. I don't remember
22 exactly everything that's said there.

23 Q Well, this is what you said. I've got it
24 circled there. Unauthorized release of -- or not
25 following your directives, I believe, is what that said.

1 This one here says, in the official letter, unauthorized
2 release of stuff.

3 A Uh-huh.

4 Q And in the stage one letter by Mr. Satterfield,
5 it says failure to follow the chain of command.

6 A Uh-huh.

7 Q Do you know which one of the three it was?

8 A I think it basically boils down to following
9 the directives that you get. I don't know if that's
10 exactly what he meant in following the chain of command
11 letter.

12 Q I'm not sure either.

13 A And I guess you'll have to ask that specific of
14 him. But my take on it is that the oral warning is for
15 following the chain of command directives on releasing
16 that information.

17 Q So if you're my supervisor and you're issuing
18 an oral warning, how can it be that we've got three
19 different things that says what it's for, and you're not
20 even sure which one it was?

21 A You've got me confused, Frank.

22 Q What I'm saying is I've got three different
23 documents. Ever one of them says I got an oral warning
24 for a different reason.

25 A Okay; so this -- well, let's go through the

1 documents that we have here. The first one here that you
2 gave me, this is -- when was the actual meeting?

3 Q The actual meeting -- there was three of
4 them -- was on -- one where they actually told me I was a
5 bad boy, was on 14 September, 2012.

6 A Uh-huh.

7 Q Which generated this letter.

8 A Uh-huh. Okay; so this one here was in response
9 to -- this was clarifying that we were concerned that
10 you're disregarding specific direction not to disseminate
11 these complaints; okay.

12 Q I didn't mean to set you on a search. I
13 thought you knew the answer to it, Lee?

14 A Well, I want to make sure I've looked at it so
15 I make sure I'm giving you the right answer. That
16 discusses giving -- yeah, following specific direction.
17 And then the order of this is --

18 Q Well, this is the actual letter that keeps
19 popping on up.

20 A Okay.

21 Q Have you ever given an oral warning before?

22 A Yes.

23 Q Did you write a letter on an oral warning?

24 A I haven't written a letter. I've put notes in
25 a file.

1 Q And that makes sense. Wouldn't a written
2 letter and warning be a written warning rather than an
3 oral warning?

4 A Not by the guidelines in the handbook or
5 whatever you want to call it, the official title of it.

6 Q I think it's called guidelines.

7 A Guidelines for an oral warning and documenting
8 it and following up. So you look at that. This
9 documents the fact that we gave you an oral warning and
10 explains the department's stance on this other
11 information.

12 Q Okay.

13 A And summarizes what the meeting was about. So
14 I guess -- I think they kind of fall in together, I
15 guess, as following the directives that you're given, you
16 know, through your chain of command. And it also talks
17 about us going -- making an extra effort to communicate
18 things even more clearly.

19 Q Why don't we just move on? I don't think we're
20 getting anywhere. I understand you're trying to put
21 something together, but -- I mean, if we've got to read
22 the documents to figure out what the warning is about, I
23 guess we don't know what the warning is about.

24 A They're just three different documents around
25 and want to make sure I'm being clear on it that it had

1 to do with giving out the information and following up.

2 Q And in fact, that meeting, again I'm getting
3 ahead of myself, but the temporary reassignment mentioned
4 in it that I was not to work in Lake County.

5 A Uh-huh.

6 Q And remember the question came up, does that
7 mean all of Lake County or just what's on the Flathead
8 Reservation.

9 A Uh-huh.

10 Q Nobody could answer my question; remember?

11 A Yeah. When we had the -- right after we got
12 you the initial letter, there was some questions that you
13 had about it, and that was one of the questions, yep.
14 And we didn't have an answer for you right then.

15 Q Did you write that letter?

16 A I wrote parts of it.

17 Q Okay. With all due respect, if you write me a
18 letter giving me direction and you can't explain what it
19 means, how am I supposed to follow the direction?

20 A Well, that's why we give you this information
21 and then you can ask the questions you have for further
22 clarification on it. I mean, some of this stuff -- like
23 I say, when there's -- I mean, in my mind, you know, I
24 thought it was clear but hadn't thought about the
25 specifics of some of that. So then I wanted to check and

1 make sure that is this what Satterfield or Helena staff
2 thinks we need to do? So we had to follow up and get
3 further clarification for you on it. You had
4 several -- I don't remember if it all happened at once,
5 but there were several series of questions that came, and
6 we didn't have all the answers for it. I put stuff
7 together where I thought I had all the answers for it.
8 And then there's a different angle that's looked at, and
9 I didn't.

10 Q Okay.

11 A And so then we followed up after that with what
12 you could or couldn't do or what that part of it actually
13 means.

14 Q So who's directing the temporary reassignment
15 then? If you couldn't answer the question --

16 A This came from -- well, from Satterfield on
17 down to me and then out on to you.

18 Q And you were just the poor slob that had to
19 sign it then?

20 A No. I agree with the temporary reassignment.
21 Actually, it was my idea of a temporary reassignment
22 versus not doing anything at all. Because we had
23 several -- we had a position open. We had some
24 uncertainty down here on the reservation. I thought this
25 would be a good way to have a guy get a reprieve from

1 that so that some of this stuff could work its way out
2 without it getting filled then not have any option at all
3 you're sitting there with. And then the guy -- let's say
4 things get so bad down there that you couldn't work
5 there, then you don't have any options for a position in
6 Region One and you'd be forced to --

7 Q So you were looking out for my best interest
8 and the best interest of the department; is that fair?

9 A I thought so.

10 Q Okay; so let's get back to it was -- I've got
11 down here as the 28th, but I'm sure that memo's not
12 correct. But let's say it's late August 2012.

13 A That.

14 Q That was actually --

15 A What was late August?

16 Q I'm sorry; I was looking for a date here.
17 Well, it appears that I received it. You wrote it on
18 August 20th. But on August 24th, I was directed that we
19 needed to get together for a meeting. And your direction
20 to me at the time was we needed to discuss the temporary
21 reassignment which came out on the 24th, and we needed to
22 discuss how we miscommunicated on me filing these
23 complaints against Lake County Attorney Mitch Young.

24 When we got to that meeting, about halfway
25 through I was advised that you were gathering information

1 to decide whether it should be a disciplinary
2 hearing -- or there should be a disciplinary hearing. I
3 protested that; sent you an e-mail or letter to that
4 effect. Do you remember that?

5 A I remember you protesting it, yeah.

6 Q My protest was it didn't seem right to me,
7 offer some guy in under false pretense and then tell him
8 that Hey, we're going to -- looking at doing disciplinary
9 action against you. Is that more or less the way you
10 remember my protest?

11 A Uh-huh, something to that effect.

12 Q But you don't feel that you did that?

13 A I didn't think we did.

14 Q Why didn't you tell me what the meeting was
15 for?

16 A Well, I thought I did tell you what the meeting
17 was for. And I can't remember if it was this meeting or
18 the other meeting, but I thought I'd gone overboard in
19 explaining to you what the meeting was about. And I
20 think you were -- didn't get the message or didn't get
21 the e-mail right before we walked into the actual meeting
22 that we were going to be having. But we were talking
23 about miscommunication or, you know, that this stuff went
24 out. I know in some of these e-mails, I felt that I was
25 in a Catch-22 at times with you where I would -- if I

1 would say something one way, it was construed as being a
2 threat or intimidation or something to that effect,
3 versus if I don't say enough. I don't know if that was
4 the case in this one. But my intent wasn't to deceive
5 anybody in this. This was come in, we're going to talk
6 about this and we're going to figure out where to go.
7 Could I have said We're going to look into a fact-finding
8 mission of this, that and the other, I guess I could have
9 said that. But my intentions weren't to deceive you into
10 what that meeting was about.

11 Q Okay; it wasn't your intention. All right;
12 understood. These were -- and again, I highlighted them
13 in hopes of making it -- feel free to read as much as you
14 want. But these are the different e-mails we got. And
15 in fairness, you were on vacation and I was on vacation
16 when this was going on. But this is the bottom line
17 on -- where basically it says -- read what it says there
18 highlighted.

19 A "Don't spend any more time putting together a
20 case report on this right now."

21 Q Okay. Now, again, a guy could read further,
22 get more or get less from it; I'm not sure. But now,
23 read -- this was after I told you that I filed those
24 complaints. Read what's highlighted there. This was in
25 that statement.

1 A "Disregard my specific direction not to
2 disseminate any of the complaints. You are directly
3 ordered not to send any more FWP-related documents or
4 complaints to any parties."

5 Q That one's pretty clear, isn't it?

6 A Very clear.

7 Q I don't see how anybody could misconstrue that.

8 A I don't see how anybody could either.

9 Q And my contention is, as it was at the time,
10 and again, we don't have to rehash this, that's clear.
11 And it's fairly obvious that you have the ability to make
12 your direction very clear. Some of the other stuff
13 wasn't. And we can argue whether it was right or wrong.
14 It doesn't really matter. The fact of the matter is, if
15 I can't understand -- if you can't explain it to me, I
16 don't know how I can be expected to understand it. That
17 was the point I was trying to make.

18 So we had three meetings. The first one we
19 just talked about, in my opinion it was an ambush. You
20 brought me in under false pretenses. You may not have
21 meant it that way, but that was certainly the way it came
22 off sitting on the other side.

23 The second meeting we had was on September 6th,
24 2012. And once again, I was directed through an e-mail
25 Get your buns in here, we've got to talk, on a day off

1 again. And when I got there, what you told me was you
2 got nothing to tell me. You sat there, you were supposed
3 to -- we had all these questions you wanted to give me
4 answers to. You brought me into the office. The only
5 thing you told me was We got nothing to tell you.

6 A Who was the meeting with?

7 Q You, Satterfield and Sergeant Reiner.

8 A I just want to make sure which meeting we're
9 talking about.

10 Q Maybe you do more of these than I realize. I
11 would think it would stick out in your mind. It sure
12 does mine.

13 A I know this has been -- I mean, this has been
14 your only thing here. There's a whole bunch of different
15 stuff going on. Some of this stuff bleeds together, so
16 you've got to --

17 Q Understood. So we had three meetings. The
18 first meeting, in my opinion, was misrepresented. The
19 second meeting, again, you dragged me in, no if, ands or
20 buts, get your butt in here, to tell me absolutely
21 nothing.

22 A We didn't tell you anything at all at that
23 meeting.

24 Q No, other than you told me We don't have any
25 answers for you.

1 A I know one thing that we were struggling with
2 at that point in time is we were getting answers and
3 directions from legal and from Helena. And so we were at
4 their -- I don't know, beck and call if you will. And if
5 I remember right, I thought we were going to have answers
6 to those questions, and I know I had asked for answers to
7 these questions numerous times to make sure we could get
8 them because I felt you needed to have the answer. And I
9 know that's where I ran into the -- ran up against not
10 getting them is I'm waiting for those answers to be
11 coming from Helena. And I guess I wasn't getting them.
12 And so I don't know if we thought we were going to have
13 those at that meeting and we just didn't get them or
14 what. I don't remember.

15 Q Okay.

16 A But I know that was a frustration I had, too,
17 is when I would get the information.

18 Q Have you ever before in your time as a
19 supervisor, drug a man into the office on a day off with
20 his sergeant his captain and the regional supervisor to
21 tell him We got nothing to tell you?

22 A No.

23 Q On the last meeting we had, September 14th,
24 2012, when you directed me that I was going to get an
25 oral warning and I was directed Don't tell anybody

1 because it, quote unquote "will be hard on morale." Does
2 that seem like a legitimate order to tell somebody?

3 A That was, I believe, Jim Satterfield and Julie
4 Sanders that discussed that and felt that that was the
5 proper way to go. And so Okay.

6 Q Do you believe that you can tell a person not
7 to discuss their personnel file with someone else?

8 A I think department-related stuff, I think the
9 department can tell you that -- this is where some of the
10 questions I have about what a person -- what personnel
11 information is an individual's to do as he sees fit with
12 versus what responsibilities the department has or what
13 they have control over. And in this case here, that's
14 where I was relying on Satterfield and legal on what
15 could or couldn't be done.

16 Q You were following orders.

17 A What couldn't be said in that. And that's what
18 we did.

19 Q Is that a fair statement, you were just doing
20 what you were told?

21 A Yeah. I could see -- I can understand why they
22 would say that, that that could be damaging to morale, I
23 guess.

24 Q I would think it would be. It begs the
25 question why you would do it if it was damaging to

1 morale. But I guess that's another question.

2 Also at those meetings I was directed that I
3 must check my voice mails and my e-mails every day, even
4 on days off and on vacation. Have you ever told another
5 employee to do that?

6 A No.

7 Q Do you believe that's a lawful order?

8 A I don't think -- in fact, I explained to
9 Satterfield I didn't have that expectation of anybody.

10 Q In fact, when we were communicating back and
11 forth, you weren't getting my e-mails because you were on
12 vacation.

13 A Yeah. Some of them I was getting because
14 periodically I was checking them.

15 Q The point I'm trying to make is it seems to me
16 I was being held to a higher, different standard on two
17 different occasions right there; check e-mails even when
18 you're on vacation and, oh, by the way, don't talk to
19 other people if you're in trouble. I don't know -- have
20 you ever told other wardens Don't be talking to other
21 wardens about stuff, other than case stuff?

22 A I haven't had instances of having to do that.

23 Q Okay.

24 I'm going to ask you to put yourself in my
25 position here for just a minute. I want to talk a little

1 bit about these news articles. There was a lot of them,
2 wasn't there?

3 A A number of them.

4 Q Some of them were not very flattering. In
5 fact -- would you agree?

6 A Yeah, somebody can misconstrue them.

7 Q In fact, I had a -- I won't say a meeting,
8 because I know that would not be authorized. I guess it
9 was a meeting. I don't know how else to put it. One of
10 the members of our joint board, the joint -- the Flathead
11 Reservation Fish and Wildlife joint board, that's our
12 co-management group. One of those guys asked me to
13 inspect a boat for him, I guess what it was. And he had
14 just read in the paper where I had been reassigned. And
15 of course he knew nothing about it. His words to me
16 were, quote unquote, "Mitch Young had some pretty
17 unflattering things to say about you in the paper."

18 A Uh-huh.

19 Q That's is one of the things he said.
20 "Mr. Bowen's investigations have never had any merit.
21 And they continue to not have any merit." It goes on to
22 say "Young told AP." And this is a quote, "And the only
23 person who doesn't seem to understand that is Mr. Bowen.
24 It is a mystery to me how he is still in a position as an
25 investigator." Would you consider that a fairly damning

1 statement?

2 A Uh-huh.

3 Q Sitting in my shoes? Would that offend you --

4 A Uh-huh.

5 Q -- if it was said about you? Then we go
6 to -- I'm going to say well-meaning attempt, because I
7 don't know how to put it. But then we have the
8 reassignment letter, which somehow finds its way to the
9 press, and your quote here where it does say that
10 it's -- "Anderson says it's not disciplinary or
11 punitive," but it goes on to say "but Bowen is banned
12 from conducting any work activities in the Polson warden
13 district including DNRC land issues." If they were
14 talking about you, would you get a little concerned about
15 that statement in the press?

16 A Possibly, yeah.

17 Q Well, this is what people are seeing and asking
18 me about, you know, how I got fired. Did I not bring it
19 to your attention that people were contacting me saying
20 How did you get canned? Why did you get canned?

21 A Yeah.

22 Q We had our own department employees in this
23 office asking me What'd you do to get fired? Did I not
24 tell me about that?

25 A Uh-huh.

1 Q Did you do anything?

2 A I made -- I talked to Satterfield when we'd get
3 these and said Hey, this is stuff that's out there. I
4 think it's reasonable that we would respond to it.

5 Q And it wasn't until here just what, when I
6 finally wrote a letter after the ODC complaint, that he
7 released a letter to the employees; is that correct? Did
8 you see the letter that Satterfield sent to our
9 employees --

10 A Yes.

11 Q -- which would have been six months after the
12 fact?

13 A He did that -- I guess I don't know the date of
14 it.

15 Q It was in January.

16 A We can do the math on it. But I know he did
17 that. I had asked several times about, you know,
18 responding to some of this stuff in media. I know in one
19 instance I was allowed to actually e-mail one of the
20 reporters that had something wrong about something. I
21 think it was working for a new agency or something like
22 that. I was at least authorized to send a correction to
23 him. But -- and then we were getting several more
24 questions I think you'd brought something up to me and
25 I'd talk to Satterfield about it. He said Okay, yeah,

1 I'm willing to provide something here to help try to
2 clarify some of this information.

3 Q And this was months after the August 14th
4 release or August 24th release to this.

5 A Yeah, whatever -- yeah, if it was a month or
6 months. It was --

7 Q A long time. I'm trying to put you in my shoes
8 here is what I'm trying to do, Lee. So we've got press
9 articles saying I'm a Bozo. We've got our own internal
10 memos, being misunderstood and misprinted up, if you care
11 to look at it. But I ain't looking real good here. And
12 then I sent you information on our personnel person here,
13 Sue Tomas.

14 A Yes.

15 Q And without getting into details, she, in a
16 very public way, again, either misrepresented or
17 misunderstood the things that were put in the file. But
18 she, too, told people that as the personnel supervisor
19 here, she knew I had been fired. If that were you, would
20 you not be offended by that?

21 A If somebody had done that, as you stated there,
22 then I would be frustrated. And I think you did what you
23 were supposed to do. You passed it on to me, and then we
24 had it looked into, or I passed it on to the actual
25 supervisor -- her supervisor to look into that and

1 address it.

2 Q Understood.

3 A Personnel wise.

4 Q You did what you were supposed to do. And I'm
5 not saying you didn't. Then we move on to a fellow -- a
6 co-worker, Wes Oedekoven, who tells one of my neighbors
7 that due to my new position, I'm not authorized even to
8 tag fur anymore.

9 A Yeah.

10 Q You're aware of that one?

11 A I did. And you know, Wes said something that
12 he was trying to find a way out of that guy's involvement
13 in a case or get you out of the mix because it's one of
14 your neighbors. And I think his intentions were good,
15 but it did --

16 Q Once again, I'm the guy with egg on my face.

17 A Yeah.

18 Q And then there's the Mike Corn issue where he
19 spoke with a person I do contract work with.

20 A Yes.

21 Q Same thing. And again, the concept of that is
22 that -- so we've got a whole series of everything from
23 newspaper articles to Fish and Game memos that may be
24 misquoted, whatever, all the way down to the only person
25 in the office here who are making me looking like a Bozo.

1 And I can't help but thinking you would feel the same way
2 if you were in my shoes?

3 A I'd have to be on that table, but I see your
4 frustration.

5 Q You don't think any of this was inappropriate
6 at all.

7 A I'm not saying that it was appropriate at all.
8 I'm not you and I'm not in your shoes, but I understand
9 where you're coming from.

10 Q Got you. Let's move on to a couple other
11 things here, quick. I had more for you than the other
12 guys and.... We talked about that.

13 This reassignment letter, you wrote got a
14 couple of things that's caused me some issues, and I did
15 highlight it here on the bottom. But it seems to me that
16 that letter authorizes me to continue doing -- working
17 with POST. We're in the middle of an investigation.
18 They had asked for documents.

19 A Uh-huh.

20 Q That directive, to me, seemed pretty clear. It
21 certainly made it to the newspaper that we were still
22 going to be working that. And then almost instantly I
23 was directed via e-mail that I was not allowed to contact
24 POST in any way, shape or form. In fact, again a month
25 later, in a letter from Mr. Satterfield, this letter

1 here, he makes it real clear, You're not talking to
2 nobody. But the one you released to the press says Oh,
3 yeah, he's going to be still working this stuff.

4 A I think at that point in time this was the
5 directive that we had and we were moving on that. But
6 that changed over the next month, and -- to where you
7 would do it but you were doing it with a supervisor, if I
8 remember right.

9 Q I was told to stay the hell out of it is what I
10 was told. But what amazes me, Captain, is how official
11 some of these can be but how the other directives are
12 like a simple e-mail. Again, at some point in time they
13 say you didn't pay attention to this but yet when I have
14 in writing right here, it says You can work with POST;
15 and I do it, somebody says Hey, you're screwing up. I
16 don't know. Again, I found that confusing.

17 A The goal isn't to confuse anybody. It's to try
18 to get you to a specific direction that you have so you
19 can do what you're supposed to do. In this case here,
20 yeah, reassignment was done in a formal memo. Other
21 directives have been sent to you in an e-mail. This one
22 isn't a formal memo, but I guess it's a letter that's
23 sent to you. I give orders to people orally too.

24 Q Would you agree that since somewhere between
25 this letter on what was it, August 24th, and then this

1 one, the directives changed anyway.

2 A Yes.

3 Q Okay. That's the way I take it.

4 A Yes.

5 Q We already talked about the news articles. I
6 already vented on that one.

7 A You want me to hang onto this one too?

8 Q We're going to be back and forth a dozen times,
9 my friend.

10 Then there was Bowen's permanent reassignment.

11 A Yes.

12 Q Did you write that letter?

13 A I wrote part of it. I'd have to see it. I've
14 got to remember it, everything that's in it. I don't
15 remember it off the top of my head. Yeah, I wrote -- I
16 had direction from Satterfield, I think from legal, on
17 what could or couldn't be in there. And then I drafted
18 it. And I believe they made some changes to it, gave
19 their blessing of it, and then we sent it off to you.

20 Q Sorry to stand up again.

21 A I understand.

22 Q So at least you were involved in it anyway.

23 A I was.

24 Q Do you remember how I got advised that I was
25 being transferred?

1 A Yes. I sent it to you in an e-mail.

2 Q And when was the job open?

3 A They flew the position, I believe, the next day
4 or two days after that.

5 Q I found it in the morning. Does that seem even
6 a little bit callous at least?

7 A I was frustrated by the fact that they had done
8 that.

9 Q Well, it would be nice to know from your chain
10 of command that you'd been reassigned rather than hearing
11 it from folks that are putting in for your job. Seems
12 like we've got policies on everything. But I would think
13 basic self respect --

14 A Well, the reason this went to you in an
15 e-mail -- I sent that to you specifically. I wrestled
16 back and forth What's the best way to do this; okay? And
17 I have felt over the past, I don't know, six months,
18 year, two years, whatever, it all kind of blends
19 together, that I -- what I run up against with you,
20 Frank, is inadvertently saying something that you find
21 offensive, yet if I put something down that is black and
22 white, then it's kind of viewed offensively or we didn't
23 explain it well enough to come in for the meeting. So on
24 this I thought Okay, I'll do this. I'll send it in an
25 e-mail. I'll give him the option. I'll let him read it.

1 He can review it. He has the option if he would like to
2 come in and meet, he can come in. He can see it. He's
3 got it in front of him. He can come in and meet. So I
4 thought Okay, let's do it that way. This will be good.
5 And then that way you don't feel blind-sided or, you
6 know, misled or anything like that. So I thought Okay, I
7 want to do it that way. Then that way you can see it,
8 think about it, talk about it if you'd like to. I had no
9 clue that they were going to advertise this thing in that
10 time frame. I was working on Okay, well, I want to try
11 to look out for my guy here to try to minimize any
12 negative impacts, whether real or perceived, you might
13 have by the job advertisement itself. I was putting it
14 together. I talked to Reiner -- I don't know who else I
15 talked to -- How do we want to put this so that people
16 don't think that Oh, shit, Frank got fired or whatever,
17 you know, or you think that maybe something was written
18 wrong that might put a bad light on it. That's what I
19 was working on. Then I turn my computer on and here's
20 the job announcement. I about fell out of my chair.

21 Q You wrote me an apology for that, and I
22 appreciate that.

23 A Yeah, so I....

24 Q Seems fairly obvious you're not the only one
25 working this issue.

1 A No.

2 Q Seems like there's a whole lot of folks above
3 you having a lot of input. Sometimes maybe you're just
4 getting caught in the middle. But me being on the
5 receiving end ain't a lot of fun either. Do you feel
6 you've done well looking out for my best interest?

7 A I think I've done as well as I can do, yeah.

8 Q Recently I sent you, after you guys made it
9 very clear that filing a Complaint with ODC, Office of
10 Disciplinary Council, you did not support, and in the
11 letter, the one you just had there, the September letter
12 from Mr. Satterfield, made it real clear that you were
13 going to speak with ODC and have that Complaint
14 withdrawn. You refused to give the required information
15 to ODC so that they could not investigate it to begin
16 with, and then said We want this Complaint withdrawn. Is
17 that --

18 A The department made the decision not to move it
19 any further.

20 Q Okay. And makes it real clear that I am not
21 authorized to do anything with it; is that correct?

22 A Yes.

23 Q Now originally in August, it said as a private
24 citizen I could, but that changed too. That changed, and
25 this letter makes it very clear not to do that. Then I

1 came up with some other information. And did I
2 share -- I'm asking this more or less hypothetically.
3 But I shared with you the allegation that the court order
4 that Mitch Young used in support of his conduct for the
5 ODC investigation was likely bogus.

6 A Yes, I remember that.

7 Q Okay. And in fact, I actually informed you of
8 it largely because you're my chain of command. Because I
9 kind of probably told you this was something we ought to
10 keep to ourselves at this point in time; is that correct?

11 A Yeah, something to that effect.

12 Q We investigated a little further; hired an
13 attorney. Because I remember you said I wasn't supposed
14 to be involved. And he went down and he found that yes,
15 in fact, that is totally bogus. He talked to the judge,
16 Judge says No, he would not, did not. He does say it's
17 his signature on it. Doesn't know how it got there,
18 doesn't know what it is. But it is not a lawful court
19 order. It's not filed, it's not filed with the clerk of
20 court and basically it doesn't exist, other than the copy
21 that ODC has and the one I got from them. I asked to be
22 able to report that. And that letter you got there
23 from -- those may not be relevant together. I'm not sure
24 the one there on the top page is what I'm looking at.

25 A Okay.

1 Q But I requested to be able to file another
2 Complaint with the Office of Disciplinary Council saying
3 that the letter you got from County Attorney Mitch Young
4 is likely bogus and here's why we think so. And that was
5 the response I got to my question Could I report that?

6 A This is?

7 Q Yes.

8 A Okay. So this was in response to --

9 Q Lee let me ask you this. Did you write that
10 letter?

11 A You know, I know I probably had input on part
12 of it, for sure. I can't remember if I wrote a lot of
13 it. On a lot of these letters we would write a little
14 bit of it, and then Satterfield would have input, legal
15 would have input, and it would get put together.

16 Q Well, I asked Sergeant Reiner.

17 A And I can't remember if I wrote all of it or
18 not.

19 Q Who's it sent from?

20 A It's from Nathan.

21 Q And it's sent to?

22 A Frank.

23 Q And it's his name at the bottom.

24 A Uh-huh.

25 Q He says he didn't do it.

1 A Uh-huh.

2 Q Maybe that's the way things are done, Captain,
3 but I'm getting direction from my sergeant who doesn't
4 seem to know much about it. He says he didn't write it.
5 He assumes it came from somewhere above him. He said he
6 put his name at the bottom and sent it out as directed.
7 So did you direct him to send that?

8 A I don't know if it came directly from me or
9 from Satterfield. It would have come from us two if he
10 was told to send it. I know on a lot of this stuff, like
11 I say, Frank, it was input -- it wasn't just me or it
12 just wasn't Nate or legal for that matter. We would have
13 information. They would tell us what you can or cannot
14 put in there. You draft it, they would make edits or
15 whatever they felt was right or needed to go in there,
16 and then we would send it on.

17 You know, what I think on this one is I think
18 this might have been one that was drafted, and Nathan was
19 the one that was told to move it forward.

20 Q Okay.

21 A I don't remember him drafting an actual
22 response to this.

23 Q Well, you told me early on that my immediate
24 supervisor is Nathan Reiner. Up above that is Captain
25 Lee Anderson. And so far it sounds like I need to be

1 talking to somebody a whole lot higher on most of what's
2 going on, because you guys don't have a lot of answer.

3 A I does follow that progression. But a lot of
4 answers we're getting are people above us that we're
5 talking to.

6 Q Would you agree that that letter from whomever
7 signed by Nathan tells me that I cannot file a Complaint
8 with ODC? I think it's in parentheses. I've got a
9 little mark on the side.

10 A Directed not to appeal the decision. Yes.

11 Q What would happen if I did?

12 A Well --

13 Q It says right there.

14 A My understanding would be is that if it was
15 related to information that you gathered in your position
16 always a game warden, I would potentially get fired.

17 Q You misunderstood my question. In the letter,
18 it first tells me what I can do and then goes on --

19 A "Failure to adhere to it would be
20 insubordination that would trigger further progressive
21 discipline."

22 Q Okay; gotcha. So that letter makes it very
23 clear, Do not report that. And if you do, you could be
24 in trouble, as you said, potentially fired.

25 A If you file the ODC complaint, yes.

1 Q Okay. Now, again, I'm going back to old
2 e-mails. And apparently, as you say, you've got better
3 things in to do in your life. But one of the messages I
4 had from you make it fairly clear that you talked to
5 several county attorneys regarding filing a complaint
6 against Mitch Young through the information we got from
7 Jeff Darrah. We had quite a back-and-forth about whether
8 that should be part of the case reports. As I recall, we
9 finally -- in fact, I know we sent them because I sent it
10 to them as part of the supplement. So the guys got the
11 fact -- they got from Mitch Young the fact that I had a
12 complaint. We decided it was fair to give them the fact
13 that I was cleared of that complaint and here's these
14 other violations.

15 A I sent those county attorneys the complete Jeff
16 Darrah investigative file, yeah.

17 Q Which again, kind of makes them public record
18 when this whole thing goes away, doesn't it?

19 A I don't know.

20 Q According to the attorney -- the Assistant AG
21 for POST, it does. So as I got it from the e-mail and,
22 again, trying not to dig through all this paperwork, in
23 one of your conversations you were told that the person
24 that that should be forwarded to, this complaint against
25 Mitch Young, should go to the Attorney General, was the

1 appropriate place for that to be looked at. Does that
2 sound right?

3 A Yes.

4 Q And I can't remember which county attorney told
5 you that, if that was Flathead or Beaverhead. But in any
6 event, they didn't want to touch it. They said that
7 should go to the Attorney General.

8 A Yeah.

9 Q I asked to forward that complaint to the
10 Attorney General. Do you recall that?

11 A Yes.

12 Q What did you tell me?

13 A I don't recall exactly. I remember we talked
14 about it or e-mailed about it or something. I believe I
15 offered up that I would talk to Kropp about it and ask
16 about it to see if we could move it forward. Because I
17 know I was having to me dealing with the Attorney
18 General's office on this case. I was running all my
19 stuff through him.

20 Q Is it fair to say, once again, I was directed
21 not to do that?

22 A Yes.

23 Q That's what I was looking for.

24 What is the purpose of the Flathead Reservation
25 Fish and Wildlife joint board?

1 A They're an advisory board.

2 Q What is our function with them, from Fish and
3 Game law enforcement standpoint? Do we advise that
4 board?

5 A We can provide -- we provide information to the
6 board on bird hunting and fishing and stuff related to
7 the joint agreement, yeah.

8 Q And once a year, usually in January or
9 February, the Polson area warden, me at the time, I
10 guess, gives a law enforcement presentation about the
11 status of our agreement, our -- what we've achieved for
12 the year, any issues we might have; is that correct?

13 A Yeah. We provide them with an enforcement
14 update, yep.

15 Q And I say "this year," but I'm talking about
16 last year, the 2012 one, which I guess is a year ago now.
17 You directed me not to be talking about the
18 jurisdictional issues we had with the tribe at the time
19 and the issues we were having with some of the
20 prosecutions we were trying to bring before the tribe.

21 A Yes.

22 Q As I recall, I told you I wasn't going to make
23 a presentation and only tell half the truth; is that
24 correct?

25 A Yes. Something to that effect, yeah.

1 Q Who made the presentation?

2 A I did.

3 Q So basically you directed me not to do what the
4 board tells me I'm supposed to do, which is advise them
5 of the current status.

6 A No, you were told not to give the presentation,
7 and I was going to give the presentation. And I didn't
8 talk about those issues at that meeting in any detail.

9 Q Okay. So when we're advising the joint board
10 about the status of our agreement, the fact that we've
11 been told by the tribe we have no jurisdiction on the
12 reservation whatsoever, that is not germane to that
13 conversation?

14 A It could be. And when I talked to -- about
15 that or referenced that meeting that we were going to
16 have in talking with Satterfield, the decision was made
17 that we aren't going to bring it up at this time. And so
18 what I remember -- I guess we could -- I imagine the
19 presentation is somewhere around. I know I mentioned
20 that we have some jurisdictional issues that we're
21 working through at the time and we'll work on those, and
22 didn't go into any great detail in it though.

23 Q Okay. The point I was after was, once again, I
24 was directed not to do it is what it boiled down to.

25 A Yes.

1 Q We went through that.

2 As an officer, Lee, if you get critical
3 information from somebody -- say, we're having a
4 conversation here about anything that's important, you
5 typically make notes?

6 A Sometimes I do, I guess, sometimes I don't.

7 Q If you did make -- if you were going to make
8 notes, if you were interviewing a suspect on something
9 and you had something to say and you were going to make
10 notes, when would you make those notes, if you couldn't
11 do it right on the spot?

12 A Shortly thereafter.

13 Q Soon as you could? Okay.

14 A Yeah, as quick as possible.

15 Q On June 21st, 2012, we had a meeting, you,
16 myself and Regional Supervisor Satterfield. Did you make
17 any notes after that meeting?

18 A I don't think I did make any notes after that
19 meeting.

20 Q Okay. For starters, who ordered that meeting
21 be conducted?

22 A I believe Jim. I believe Satterfield.

23 Q You're not real sure, by the sounds of it.

24 A No. I know he's the one I talked to who said
25 we were going to have the meeting. I don't know if he

1 had any directives above that.

2 Q Originally, it was supposed to be a conference
3 call between you, myself, Satterfield, Kropp?

4 A Yeah. Is this when I was going to be gone that
5 day?

6 Q Well, yeah.

7 A Yeah, yeah, I was going to be gone that
8 morning; that's right. And I cancelled that to make sure
9 that I was at the meeting. And -- yeah, I think -- I
10 can't remember if it was supposed to be a conference call
11 originally or what. I know we had the meeting between
12 you, me and him.

13 Q But you weren't going to be at that meeting
14 originally.

15 A No.

16 Q I kind of sent you another one of those
17 aggressive e-mails saying Look, if the supervisor's not
18 going to be there, I'm not going to be there either.

19 A Uh-huh.

20 Q So you decided to change your plans to be
21 there.

22 A Yes.

23 Q You knew you couldn't be there though when you
24 ordered me to go the first time. When you asked me to
25 go -- when you directed me to go, you realized that it

1 had changed from the conference call to it was just going
2 to be me and Satterfield in that meeting.

3 A I don't remember if I knew that at that point
4 in time.

5 Q You knew it when I told you that the only
6 person -- in the e-mail when I sent you Look, this is
7 wrong. I'm not going without a supervisor there.

8 A For sure then, yeah. I may have known it
9 before that; I don't recall. But I do know after you
10 sent me that message and I got that information that you
11 were concerned about the meeting, I went Yep, this is way
12 more a priority for me to be there than doing this other
13 thing I committed to. So I made sure that I was there.

14 Q Why didn't you just ask Jon to go? If you knew
15 you couldn't be there, why didn't you tell Jon to be
16 there instead of sending me all alone?

17 A I don't remember at that point in time if -- if
18 the meeting was just to talk basic information. I wasn't
19 worried about it being that big of an issue. But then,
20 you know, when you were concerned about it, I thought
21 Well, okay, I'll make sure I'm the one that's going to be
22 there. I've been involved in this stuff, so I'll be the
23 one to go.

24 Q Do you recall what kind of input you had at
25 that meeting?

1 A Yeah, little to none.

2 Q Okay. Do you typically covertly record
3 conversations with the regional supervisor?

4 A No.

5 Q How many times did he ask if we were recording
6 the meeting?

7 A I know he did it at least once; a couple times?
8 I remember him -- what I took as joking at that. But
9 yeah, he said it several times.

10 Q Why would you be concerned if somebody is
11 recording your conversation in a meeting?

12 A That's a question you'll have to ask him.

13 Q Okay. Were you surprised that he said that,
14 that he asked if we were recording it?

15 A Yeah.

16 Q Were you surprised by what he said in the
17 meeting?

18 A A little bit.

19 Q Give me your synopsis of what was said, please.

20 A Well, basically we met to discuss -- I think
21 the original -- the reason for the meeting was because
22 the senate hearing was coming up.

23 Q The one I was subpoenaed for; correct?

24 A That's what I can't remember. Yeah, this would
25 have been the one you were subpoenaed for, because we had

1 the other one in April. But this was in preparation for
2 that. So Jim was going to give you real clear direction
3 on the expectations that he had, the department had of
4 you for if you were up there giving any of the testimony
5 that you -- or testimony that you would be -- that you
6 were subpoenaed for or questions that you had to answer,
7 et cetera. He wanted to make it really clear that, you
8 know, as an employee with Fish, Wildlife and Parks, you
9 know, you work for Fish, Wildlife and Parks. And if
10 legal tells you that you shouldn't answer a question
11 because you work for us, these are the legal folks that
12 are here to make sure that things are done right and done
13 properly, et cetera, that you need to follow those
14 directives in order to do that. And he tried to make
15 that point very clear.

16 Q Did he say what would happen if I went forth
17 and testified before the committee?

18 A If you went forth and testified and went
19 against what legal's directives, advice, or I don't know
20 what the word would be, advice, but direction, that you
21 could potentially be fired, I believe. At least
22 progressive discipline would kick in. But you could
23 potentially be fired.

24 Q Statements that I wrote down from it was that
25 FWP Chief Jim Kropp and Counsel Becky Jakes Dockter would

1 also be attending with me. That sound familiar?

2 A Yeah.

3 Q Really concerned about I had a contact with
4 Senator Shockley called me.

5 A Yes.

6 Q And I met with him and an aide or something.

7 A Yes.

8 Q And they asked me again what we talked about.
9 And I had already sent you an e-mail; is that correct?

10 A Yeah, this is another one I'm confused on the
11 timeline of, because I thought you had met with him at
12 one point in time when you were already in Helena up
13 prior to the senate hearing. But that couldn't have been
14 prior to this meeting, could it?

15 Q Yes. Oh, yeah, it was between the two
16 meetings. It was -- I was subpoenaed for the second
17 meeting, the one in June is what it boils down to. And
18 this was the meeting going down prior to me honoring that
19 subpoena.

20 A I thought that was the reason you were in
21 Helena was for the subpoena. But you must have been down
22 there for something else. Okay; just so I've got the
23 timeline.

24 Q Okay. And then he goes on and mentions another
25 statement from is it FWP attorney would be in charge of

1 any testimony given?

2 A Yes.

3 Q And that if I said anything that was not
4 authorized, it would being determined to be
5 insubordination.

6 A Yeah.

7 Q And then it goes on to say -- and then my
8 response to that was that I'm not going to lie. And
9 Mr. Satterfield responded that how did this morph into
10 being a lie? Quote unquote, "No one is telling you to
11 lie, but you don't have to tell everything either." Do
12 you recall that statement?

13 A I know he said something -- I know he
14 definitely said You don't have to lie, something to that
15 effect. The point that he was -- I guess you'll have to
16 ask him what the point he's trying to make with it. But
17 it was basically answer the specific question, you know,
18 nothing more, nothing less, like basically any deposition
19 or anything you do, answer that.

20 Q In response to his question You don't have to
21 tell -- or his answer You don't have to tell everything,
22 I told him that I was going to do, quote unquote, "the
23 right thing." As long as it wasn't unethical or immoral,
24 I would do -- I would answer whatever was asked. He said
25 then, quote unquote, "You ride for the brand." Do you

1 remember that statement?

2 A Yeah.

3 Q "And you'll do what you're told or there could
4 be consequences," unquote.

5 A Yes.

6 Q What does "consequences" mean; bad things?

7 A Could. You'll have to ask him what he meant
8 exactly by that. Consequences means there's going to be
9 repercussions for what you do.

10 Q Okay. So that's kind of a scary thing to hear
11 in a meeting. Was for me. Someone says Do what I tell
12 you or there's going to be consequences". He went on to
13 say "This isn't about ethics" -- this is a quote -- "or
14 doing the right thing. It is about your survival." Do
15 you remember that statement?

16 A Something to that effect. I remember "about
17 survival," and I remember something to that effect. I
18 don't remember the exact quote.

19 Q Okay. The next statement he made, this was the
20 first time where he came "and I hope you're not recording
21 this." And you pulled out your recorder out of your
22 pocket and tried to make a joke. About Oh, is this on?
23 Any of that sound familiar?

24 A Kind of does. I guess I don't remember pulling
25 one out. I remember making a joke about it, yes.

1 Q And I refused to answer his question. He went
2 on to say Well, Frank -- "He," pointing to Frank Bowen,
3 "probably has three recorders," quote unquote. Then he
4 goes on to say again, quote, "If you what to quit FWP,
5 you can say whatever you like at the senate hearing."

6 A I don't remember him saying that but....

7 Q "If you," quote unquote, "piss these guys off,"
8 in reference to the Helena staff, "they," quote unquote,
9 "will find a way to fire you." Do you remember that
10 statement?

11 A Something to that effect. I don't remember the
12 exact verbiage of it.

13 Q But it's close.

14 A I know he said something to the effect of a
15 reference to Helena. And I don't remember if it was
16 "piss them off" or what exactly, but something to that
17 effect. I can't give you the exact.

18 Q Do you think that was an attempt to intimidate
19 me into doing something, or is he just looking out for my
20 best interest?

21 A I think what Jim was trying to do in this whole
22 thing was try to basically lay it out there that to
23 follow these directives that these guys are giving you
24 and to, you know, answer the questions the way that, you
25 know, they want it to being answered. If they say

1 yes -- I mean, if they don't want you to answer
2 something, don't. And I guess he chose you to put it
3 in -- communicate that with you the way he chose to do
4 it. And that's Jim.

5 Q He goes on to say, quote unquote, "You've hit a
6 lot of foul balls lately." Do you remember that?

7 A I read that, what you have there. And I don't
8 know what that means or -- I don't remember him -- I
9 remember some analogy like that, but I don't remember
10 what he's talking about. I don't remember if he
11 explained it there or what.

12 Q He didn't, and I didn't know what he was
13 talking about either. I took that to mean a reference
14 that we've got more than enough stuff already. We don't
15 want to be getting in more trouble, is how I took it,
16 being the guy it was directed to. Next thing he said is
17 "You're close to retirement and you may be ready to go.
18 We aren't," meaning yourself and Regional Supervisor
19 Satterfield. And then he says, quote unquote, "I can't
20 afford to lose my job." Do you recall that?

21 A Yeah. Something close to that, yeah.

22 Q Did you feel that you could lose your job if I
23 said something wrong at the senate hearing?

24 A I've felt that there's a possibility
25 that -- and I don't know if it's just maybe I'm worried

1 about something I shouldn't be worried about. But I've
2 had those thoughts in the back of my head, yeah.

3 Q Okay. Well, that -- I find that scary, Lee.
4 Anyway, and then Satterfield did go on to say he was only
5 looking out for my best interest. And this was, I
6 thought, particularly interesting. This is another
7 quote. "Are you willing to fall on your sword just to
8 make the Democratic party look bad?" Do you recall that
9 statement?

10 A Yeah, he said something to that effect.

11 Q And again, it goes on. So it sounds like
12 you've read this. So we may have different words here,
13 but more or less we're on the same sheet of music. This
14 was a little different sort of meeting. Had you been
15 sitting in my chair, would you have taken any of these as
16 a potential threat that If you don't do something right
17 now, you could potentially lose your job?

18 A Well, I mean, only you can speak to how you
19 take it. And what I can say is this isn't how I
20 would -- I wouldn't do a meeting like that myself. I
21 wouldn't state those things in that fashion. What Jim
22 has told me after that meeting I think -- I can't say
23 before the meeting, I don't remember before, but I know
24 after and in subsequent deals, his goal in that was to
25 have you listen to what counsel had to say and follow

1 those directives that these guys give you. And I guess
2 he chose to do it in that fashion right there to drive
3 home the point. But you're going to have to ask him on
4 the specifics of as to why he did that.

5 Q Has he asked you -- how many times have you
6 talked about that meeting, you and Mr. Satterfield?

7 A I know we talked about it shortly after it. I
8 think we talked briefly about it during the initial steps
9 of this grievance process, I think when information was
10 being put together. And I gave him a copy of that
11 information today.

12 Q He hadn't seen this?

13 A Well, I think he'd seen it. He didn't have a
14 copy of it.

15 Q Okay. Did he at any time ask you to
16 misrepresent what was said at that meeting?

17 A No.

18 Q One of the quotes I make in here, and this is
19 my Grievance here, and I highlighted it just because it
20 was a conversation between you and I. And it says
21 "Captain Anderson stated at one time how lucky I was to
22 be only four years away from retirement in comparison to
23 himself," I guess. "If this whole thing blew up, I was
24 close to retirement but you had a long way to go." And I
25 know we talked that. And that was more or less, I think,

1 a conversation when you and I were driving somewhere.
2 And I go on to say how I felt for you because I know
3 you've got three young kids and stuff. But you went on
4 to say that -- what I tried to get through to you, trying
5 to read here -- was if it was me screwing up, you had
6 nothing to worry about. But you go on to say that it had
7 been made clear to you that as my supervisor, that if I
8 did something stupid, they were consider you to have
9 failed because you didn't control the situation.

10 A Uh-huh.

11 Q Is that a fair assumption?

12 A I remember talking to some extent about that.
13 And I think where I'm coming from, I've talked with
14 Satterfield before, you know, about the situation. And I
15 think maybe even in generalities of supervision in
16 general. And supervisors are accountable for what their
17 individuals do, if it's something that they have control
18 over. And so that is one thing that it's in the back of
19 my mind, that I could get in trouble for actions of my
20 employees, if it's something that I should be the one
21 that's making sure that it doesn't happen. Obviously if
22 it's something, you know, disregarding, you know, policy
23 or directives, et cetera, et cetera.

24 Q It takes you out of the loop, doesn't it? Then
25 you wouldn't have to worry about it?

1 A No. I'm saying that if it involves that type
2 of stuff, and I'm the one that didn't do enough to make
3 sure -- let's say a guy wasn't following those procedures
4 or doing those things, then I could be the one to be
5 accountable for that.

6 Q Okay. And I want to go on from there. So if
7 Warden Bowen were to choose to -- if Warden Bowen was
8 willing to fall on his sword just to make the Democratic
9 party look bad, you'd just as soon I didn't take you with
10 me.

11 A Yes.

12 Q Okay. And that was the way I took the
13 conversation is to Keep in mind, jackass, not only are
14 you hurting yourself, but you're hurting me. And the
15 point was well taken.

16 Okay, Lee, just a couple things here real
17 quick. And I want to start out with this. And we talked
18 about the negative press, correct --

19 A Yes.

20 Q -- and how I found that stuff offensive. This
21 is a quote from you that I just highlighted. I apologize
22 for not having what paper that came out of. But you'd
23 recognize that was the report we put together on
24 Wade -- or excuse me -- Jason Nash, tribal officer that
25 went to his chief, Tribal Chief Craig Couture. And in

1 the paper you're quoted there. And you see what I
2 highlighted there?

3 A Yeah.

4 Q What does it say, please?

5 A "Well, Anderson wrote," I know that's not what
6 you're looking for, "As peace officers, we take an oath
7 to do what is right. And if we are to earn the respect
8 for the citizens for which we work, we must be above
9 reproach."

10 Q Good words?

11 A Yes.

12 Q As a peace officer, did you take a code of
13 ethics? Did you have to swear to an oath?

14 A Uh-huh.

15 Q And I've got to admit, Lee, this was one of
16 those things that became odd to me by the fact that as I
17 recall, you sent me an e-mail because Chief Kropp
18 contacted you, wanted to know why I had asked MLEA for a
19 copy of the code of ethics.

20 A Yes.

21 Q Did that seem odd to you at all?

22 A The reason he asked me for it was because MLEA
23 told Kropp that Hey, I just want to let you guys know
24 that I've got a request from this guy Frank Bowen with
25 these questions about the oath. And so Kropp asked me

1 about it, and I think they were worried that -- or
2 wondering or concerned, or whatever the word is, that you
3 were looking into Lake County investigative stuff again.
4 And so they wanted to make sure that that wasn't the
5 case. So it was MLEA coming to Jim and then Jim coming
6 to me.

7 Q So I've got two different organizations
8 concerned because I asked for a copy of the code of
9 ethics? That's incredible. While we're on that, after
10 our June -- correction -- January 26, 2001 meeting in the
11 Swan, this was before I had been prohibited from -- well,
12 that's not really true, because you did say not to
13 investigate stuff in Lake County. Anyway, I had a couple
14 more allegations come in from Lake County.

15 A Yes.

16 Q One of them was putting together a case report.
17 And I sent to MATIC the -- MATIC is Montana All Threat --

18 A Yeah, and I don't remember after that.

19 Q But basically it's a criminal justice network
20 where we get information; driver's license photos,
21 criminal history, things like that. And I sent for a
22 background on an individual.

23 A Yes.

24 Q And the chief of the Department of Criminal
25 Investigations called Chief Kropp to tell him Hey,

1 Bowen's looking into more information.

2 A Yes.

3 Q Do you remember that?

4 A Yes.

5 Q You ever had that happen before?

6 A No.

7 Q Does it seem odd to you?

8 A Never had an investigation like Lake County
9 before either.

10 Q That might be the issue. Tell you what,
11 Lee -- what I'm handing Lee right now, and this is one of
12 those things I should have put into evidence, but this is
13 a copy of Administrative Rules of Montana 23.13.203. And
14 feel free to read the whole thing if you like. I just
15 highlighted the important parts for brevity. But it's
16 titled the Code of Ethics, is it not?

17 A Yes.

18 Q Would you read for me what it says in the
19 highlighted part?

20 A "Code of Ethics: Regulations governing
21 certification of public safety officers requires that a
22 code of ethics shall be administered as an oath. The
23 oath."

24 Q One of the things that I did discover was that
25 every peace officer, or in this case public safety

1 officer, is required to take that oath. And then it goes
2 down on the next bullet I've got highlighted there,
3 what's it say?

4 A "The oath of the public safety officers code of
5 ethics is as follows:"

6 Q And then it goes on for half a page, doesn't
7 it?

8 A Yes he.

9 Q Now, feel free to read the whole thing, but
10 what's important to me is the part that I highlighted
11 down there.

12 A "I will not engage in nor will I condone any
13 acts of corruption, bribery or criminal activity and
14 shall disclose to the appropriate authorities all such
15 acts."

16 Q Okay. We already talked about the allegations
17 against Mitch Young. And we decided those are fairly
18 serious allegations. Witness tampering, bogusing or
19 providing a false court document. I have no idea what
20 that would be. But again, I would think it's a violation
21 of some kind. They sound like severely severe
22 allegations. When I tried to report them, what did you
23 tell me? In fact, you can go right back to Lee's -- or
24 to Nate's letter right here. What was I directed to do
25 when I said We need to report these things?

1 A Well, that those reports wouldn't be
2 filed -- or that you weren't allowed to be able to file
3 those reports. I know that those case reports -- or that
4 that information you had, the Attorney General's office
5 did get a copy of Jeff Darrah's report. The County
6 Attorney's office in Ravalli County got a copy of that.
7 The -- what's it called -- the Beaverhead County Attorney
8 got a copy of all that information. So those folks had
9 that information. I gave that information as well to Jim
10 Kropp. And I think -- I thought he ran that information
11 by Barb Harris, but I can't remember if he did or didn't.
12 I thought he did, but I can't remember that one hundred
13 percent for sure. But those allegations that Jeff had,
14 they did make their way to various county attorneys in
15 the state, and they did see those. You obviously weren't
16 allowed to give those out to anybody directly. And so,
17 yeah.

18 Q Do you feel that at any point in time by you
19 telling me that No, you cannot report these criminal
20 allegations to ODC or No, you can't make a -- report
21 those criminal allegations to the senate hearing, you
22 think at any point in time you were ordering me to
23 violate the officer code of ethics?

24 A I don't think so, Frank. Because I think that
25 information was given to various other people that had

1 it. If it was, I don't know I guess if you will, they
2 could also have -- if they felt that they were credited
3 enough allegation or evidence, whatever, they could move
4 that on. We gave that information to Kropp. My opinion,
5 I would have asked somebody to look into that. But that
6 decision was made not to. He could have made -- and so
7 you moved it on up the chain of command like you're
8 supposed to. And I moved it on up the chain of command
9 just like I'm supposed to. I think one could argue one
10 way or the other. I know the one county attorney down in
11 Beaverhead County, I think I mentioned this to you, that
12 he said Yeah, I see Jeff's report. I find it very
13 vindictive, one-sided. One could look at these facts
14 entirely in another different way. So I mean, people can
15 have differing opinions of this. And I think the
16 decisions on moving some of these things forward, I can't
17 speak for exactly their reasons for it or not. I don't
18 think their intentions were anything malicious or
19 anything like that.

20 Q It's not their intentions I'm concerned about,
21 Lee. The fact of the matter is we already discussed that
22 the county attorneys told you, and you passed on to me,
23 that they either would not or could not press charges
24 against another county attorney, that we needed to report
25 that to the Attorney General's office.

1 A Yeah.

2 Q And the direction I got from you when I asked
3 to do so was If you do, you will lose your job.

4 A Yeah.

5 Q Is that a fair assessment?

6 A I don't know if it said you'd lose your job or
7 whatever the terminology, but you wouldn't be the one
8 doing it or it would be disciplinary action for sure was
9 going to be taken. I took that information,
10 though -- and I know I moved that information on to
11 Kropp. In this case, you know, when it's dealing with
12 the Attorney General and this issue, I pretty much am
13 running everything through him, legal, et cetera on
14 getting that done.

15 Q So let's go back to these new allegations
16 against Mitch Young about the court order. We already
17 talked about it. You're aware of what I'm talking about?

18 A Right. Now, see, I'm confused on that now.
19 Because when Nathan -- I talked to Nathan about this.
20 And we were both kind of confused at the office when we
21 were talking about it. And I can't remember if I said it
22 as a follow-up to you or as a follow-up to Nathan, but I
23 thought, and you caught me off guard here, I thought it
24 was determined that everything was certified with the
25 clerk and recorder's office and everything was okay.

1 Q And I could see where you could from that
2 e-mail, because I thought that was a silly e-mail when
3 you wrote it. No.

4 A I guess I'm wrong, but I thought Oh, good,
5 everything's fine. Okay, this is all -- this isn't
6 anything.

7 Q Well, that's not what I was saying. What we
8 were talking about is who is the correct repository for
9 that district court order. Would it be filed with these
10 guys? The correct place was the district clerk of court.
11 And that's where we had to go to find out if they had it.

12 A Okay.

13 Q With that said, we've moved well beyond that.
14 And I made another request, which I believe is stapled
15 behind here. I made a request of you guys, directly to
16 my first-line supervisor Nathan Reiner, and then to you
17 where I said Yep, these have been verified by not only
18 the clerk of court as being nonexistent one but we also
19 had an investigator, i.e., attorney, go talk directly to
20 CB McNeil. He said Nope, it's bogus. So I wrote this
21 asking for permission to bring the new charges. And this
22 was the letter I got back.

23 A Do you have the letter on the charges that you
24 sent?

25 Q It might be right there.

1 A Is it this one?

2 Q If not, it's in the file.

3 A See, this is where I'm confused. Because,
4 really, I mean, what I remember is I thought that part of
5 it had been addressed and that no, this isn't -- this
6 thing isn't wrong, everything's fine, everything's clear
7 on that but you still wanted to file a complaint with
8 ODC.

9 Q Well, Lee, I think you're missing a couple
10 e-mails or something. Because I went on to tell you that
11 the FBI did look into it, the FBI also determined that it
12 was not a legal court order, but the FBI determined that
13 they didn't have the legal standing to bring it. And
14 once again said it had to go back to the State.

15 A Now, that part kind of sounds familiar,
16 something with the FBI, but I've got to look at the
17 e-mail, Frank.

18 Q So let's move it to a hypothetical situation
19 again. Assuming that I contacted you and told you I have
20 information that the County Attorney did, in fact, commit
21 another offense and I want to report that, this is
22 totally -- I mean, take it away from the, quote unquote,
23 Criminal Justice Information that Jeff Darrah supplied.
24 Because this is entirely -- I mean, they provided a bogus
25 court order to a body -- a disciplinary body. I'm

1 thinking that's something that needs to be reported. And
2 when I asked to report that, this is the answer I got,
3 which is between those two little marks there, again, if
4 you want to read just what --

5 A Well, I've got to look at that e-mail again,
6 because I don't know if I read that. Because I truly
7 thought that part of it was --

8 Q Okay.

9 A -- was all clarified and finished. But
10 anything that I've had in this case I've moved forward.

11 Q To whom?

12 A You know, either to the county attorneys
13 themselves or asked for direction or moved it up the
14 chain of command to either Satterfield or Kropp, I guess
15 on criminal case stuff or whatever I've moved to Kropp to
16 get, you know, clarification on or direction from. And I
17 think that's pretty clear in what I've sent to you back.
18 I've looked at that information and done that. But
19 anyway, so that's what surprises me about this, Frank. I
20 don't -- as you stated there, I would think I would have
21 moved that on. And maybe we did get direction specific
22 to that information that said that they didn't feel that
23 was enough to move forward. So I can't remember.

24 Q Tell you what. Just take a quick minute and
25 read -- this is the request right behind it that I put on

1 out, one of them. And maybe that will remind you quick
2 and then we'll wrap it up.

3 (Deposition in recess from 1:39 p.m. to
4 1:41 p.m.)

5 THE WITNESS: Where are we at?

6 Q (By Mr. Bowen) The point I'm trying to make,
7 and again, I'm surprised you're not aware of the issue, I
8 guess --

9 A From this here okay, now, this makes sense
10 here. But this is different from what you're talking
11 about, I think, with the complaint -- or with Mitch Young
12 and his -- and this probably explains why I'm on a
13 different sheet of music thinking that that information
14 had been looked into and they showed that the guys
15 didn't -- it wasn't illegal, everything was clear. But
16 you're saying that that wasn't the case. That isn't in
17 here. But what's in here is the fact that Mitch, you
18 know, said stuff or whatever. And isn't this in response
19 to this when Jim Satterfield actually did send a letter
20 to ODC to clarify some of the the issues that were
21 brought up in it?

22 Q Maybe so, Lee. I didn't think so.

23 A Because Jim did -- I mean, I talked to him
24 about it afterwards or at whatever point in time I talked
25 to him about it, and said You know, there is some stuff

1 here that is wrong. I think we owe it to Frank to
2 clarify this stuff. And he agreed, and he -- a letter
3 was sent to them on it. But I think that's why we're on
4 different -- because I take this to be the investigation
5 that -- or the response that Mitch gave there, not
6 anything to do with the fact that this bogus subpoena or
7 whatever it was that Mitch had that had CB McNeil's
8 signature on it.

9 Q I thought that you'd be -- Nate remembered it
10 vividly. That's why I thought you would, and I didn't
11 want to take the time to dig out two separate things.

12 A Two separate things.

13 Q Bottom line, Frank Bowen, if you want to take
14 this as a hypothetical situation if you can't find it in
15 what I gave you, reported to you that a county attorney
16 has committed another offense in regards to one of our
17 cases if you will or my Complaint. And I asked
18 permission to report that. And the answer I got was If
19 you do, there will be considered what, gross -- what's
20 the term used there, Lee?

21 A Gross insubordination.

22 Q Gross insubordination. So would you take that
23 letter to say Don't do it?

24 A Yes.

25 Q Under penalty of something?

1 A Yes. I think those are two different things
2 though. I think the part that you're talking about,
3 though, is something that I don't think we've had the
4 chance to move forward on, because I thought everything
5 had been taken care of with that subpoena and that
6 information that was in that.

7 Q So are you saying that had you known what you
8 know now, that it's not sitting there, the only reason
9 it's not going forward --

10 A I would want to look at that information to see
11 what it is and determine if that moves forward. But I
12 think the overall -- that issue, and then there's just
13 the ODC complaint that he filed in general, not the fact
14 that he may have done something -- that illegal subpoena
15 thing. But in general, I don't think the department --

16 Q Well, it's obvious we're talking about two
17 different things here, so I guess there's no point in
18 belaboring it here.

19 A Okay.

20 Q Once again, I'm amazed you're not -- the
21 sergeant knows exactly what I'm talking about. And the
22 only thing he can tell me is he didn't write the letter.
23 And you're his supervisor, and you're telling me you
24 don't even know that I'm trying to bring charges against
25 the County Attorney again.

1 A I knew you were, but I thought when I had
2 talked with you before, that those had been clarified or
3 that it became apparent that there wasn't anything that
4 had been done illegally there so, therefore, it was a
5 nonissue. That's what I remember.

6 Q Okay.

7 A That's why there's two separate.

8 Q Just a couple more questions. That's really
9 what I wanted to get down to, but it doesn't appear that
10 you have much of a clear understanding of that. And I
11 didn't bring enough stuff, I guess. I did, but we don't
12 want to take the time to look for it.

13 So basically do you feel you've violated your
14 POST code of ethics by directing me not to report
15 criminal information?

16 A No.

17 Q Do you feel that I violated my POST peace
18 officer, we'll call it, code of ethics by not reporting
19 that information?

20 A No.

21 Q Do you think anybody at any level has violated
22 either the law or the code of ethics by sitting on this
23 information?

24 A I don't think they've necessarily sat on this
25 information on some of it. Some of it they decided that

1 it didn't need to be moved forward. And --

2 Q But Lee, you haven't told me anything where the
3 information's gone anywhere. You're saying you gave it
4 to somebody and you don't know where it ended up.

5 A Kropp has got some of this information. The
6 department made the decision to not move the ODC
7 complaints forward. ODC has still got that Complaint
8 because of the miscommunication that we had --

9 Q They didn't get the information.

10 A So they got that information that you sent them
11 in your Complaint.

12 Q Lee, it's a moot point. I'm not trying to
13 argue with you. I'm trying to get how you feel about it.
14 So you don't feel you violated any laws or any code of
15 ethics by sitting on this information or not forwarding
16 it to the appropriate authority.

17 A No, because I think I moved this information
18 forward to who I needed to move it forward to.

19 Q And that would be?

20 A Either Jim Kropp or these other county
21 attorneys that got this information.

22 Q County attorneys told you this needs to go to
23 the Attorney General. Did you give a copy to the
24 Attorney General?

25 A No. That's when I talked to Kropp about it,

1 and he is the -- he was or is the cog between us and
2 that.

3 Q Okay. So you just -- you passed it on to
4 someone else.

5 A I passed that on to Kropp.

6 Q And you feel that covers you? You think you're
7 done? It wasn't meant to be a trick question; yes or no?

8 A Yes.

9 MR. BOWEN: I think we're about there, bud.
10 Jack?

11 MR. LYNCH: Could we use the restroom?

12 MR. BOWEN: Sure. Do you have any
13 questions, Jack?

14 MR. LYNCH: No.

15 THE COURT REPORTER: Do you want to read
16 and sign this or do you want to waive that? You need to
17 tell me. It's up to you.

18 THE WITNESS: No.

19 (Deposition concluded at 1:49 p.m.; witness
20 excused, signature waived.)
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2 State of Montana)
3 :
4 County of Flathead)

5 I, BAMBI A. GOODMAN, CSR, RPR, CRR and Notary
6 Public, do hereby certify:

7 That I did report the foregoing deposition
8 after having duly sworn LEE ANDERSON to the truth; that
9 the deposition was taken at the time and place stated on
10 the caption hereto; that the testimony of the witness was
11 taken in shorthand by me and subsequently reduced to
12 writing under my direction; that the foregoing is a true
13 and correct transcript of the testimony given by the
14 witness;

15 I further certify that I am not counsel,
16 attorney nor relative or employee of any party, nor
17 otherwise interested in the event of this suit.

18 IN WITNESS WHEREOF, I have set my hand and seal
19 this 20th day of May, 2013.
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